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**1998**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 22, Issue 46—November 13, 1998

Pages 19,677 - 19,965

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## ISSUES INDEX I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

## REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
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\*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps2) Code Citation: 89 Ill. Adm. Code 1213) Section Numbers: Proposed Action:  
121.105 Repeal4) Statutory Authority: Implementing Section 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) A Complete Description of the Subjects and Issues involved: Senate Bill 320. authorized the Department to provide nutrition services to non-citizens who are 65 years of age or older, under 18 years of age, or disabled, and who were in the United States prior to August 22, 1996 and are not eligible for the federal Food Stamp Program due to their non-citizen status. The State Food Program was created to provide assistance with the food needs of individuals ineligible for the Food Stamp Program solely due to citizenship requirements. To qualify, individuals had to be under age 18, or age 65 or older, or disabled. Individuals who qualified for the program and were under age 18 received \$80 in monthly food stamp benefits. Individuals who qualified for the program and were elderly or disabled received \$43 in monthly food stamp benefits. The State Food Program ends October 31, 1998. These proposed amendments repeal the State Food Program effective November 1, 1998.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.7	Amendment	22 Ill. Reg. 13264
121.22	Amendment	22 Ill. Reg. 13264
121.57	Amendment	22 Ill. Reg. 13264
121.60	Amendment	22 Ill. Reg. 13264
121.61	Amendment	22 Ill. Reg. 13264
121.63	Amendment	22 Ill. Reg. 13264
121.64	Amendment	22 Ill. Reg. 13264
121.105	Amendment	22 Ill. Reg. 11671
121.120	Amendment	22 Ill. Reg. 13264
121.160	Amendment	22 Ill. Reg. 9654
121.162	Amendment	22 Ill. Reg. 9654
121.164	Amendment	22 Ill. Reg. 9654

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

121.177	New Section	22 Ill. Reg. 9654
121.179	New Section	22 Ill. Reg. 9654
121.184	Amendment	22 Ill. Reg. 9654
121.188	Amendment	22 Ill. Reg. 9654
121.220	Amendment	22 Ill. Reg. 9654
121.225	New Section	22 Ill. Reg. 9654
121.226	New Section	22 Ill. Reg. 9654

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page **19936**



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Driving and Parking
- 2) Code Citation: 92 Ill. Adm. Code 397
- 3) Section Numbers: 397.1020  
Proposed Action: Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to update the date of incorporation by reference of 49 CFR 397 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 33254, June 18, 1998] removes, amends and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective, or burdensome.

The Department is also amending Section 397.1020(e) to clarify that drivers who violate the Illinois Motor Carriers Safety Law [625 ILCS 5/Ch. 18B] of the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Out-of-Service Criteria.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No new procedures are necessary.
- C) Types of professional skills necessary for compliance: No new skills are necessary.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 397

## DRIVING AND PARKING

Section  
397.1000 General  
397.1010 Application  
397.1020 Incorporation By Reference of 49 CFR 397

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397.Subchapter c at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. 13035, effective August 30, 1995; amended at 20 Ill. Reg. 15327, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 397.1020 Incorporation By Reference of 49 CFR 397**

- a) The Department incorporates "Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997 ~~October-17-1995~~, as amended at 53 FR 33254, June 18, 1998 ~~61-FR-18427--January--247--1996~~, subject only to the exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.
- b) Section 397.1 is deleted and not incorporated.
- c) Section 397.2 is deleted and not incorporated.
- d) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- e) The following addition to 49 CFR 397 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation ~~violations~~ of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Driving of Motor Vehicles

2) Code Citation: 92 Ill. Adm. Code 392

3) Section Numbers: Proposed Action:  
392.2000 Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to update the date of incorporation by reference of 49 CFR 392 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

(63 FR 33254, June 18, 1998) removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective or burdensome.

The Department is also amending Section 392.2000(c), to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Ms. Cathy Allen  
 Regulations Unit  
 Illinois Department of Transportation  
 Division of Traffic Safety  
 P.O. Box 19212  
 Springfield, Illinois 62794-9212  
 (217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
 3215 Executive Park Drive  
 Commercial Vehicle Safety, 3rd Floor  
 Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
 Illinois Department of Transportation  
 2300 South Dirksen Parkway  
 Room 311  
 Springfield, Illinois 62764  
 (217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance.
- C) Types of professional skills necessary for compliance: No new or additional skills necessary.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392  
 DRIVING OF MOTOR VEHICLES

Section  
 392.1000 General  
 392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. 13038, effective August 30, 1995; amended at 20 Ill. Reg. 15330, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997 October-17-1995, as amended at 63 FR 33254, June 18, 1998 61-PR-95467-March-87-1996. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Numbers: Proposed Action:  
395.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to update the date of incorporation by reference of 49 CFR 395 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 3254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 3254, June 18, 1998] removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective, or burdensome.

The Department is also amending Section 395.2000(c)(3)(A) to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance:  
No new procedures are necessary.
- C) Types of professional skills necessary for compliance: No additional skills are necessary.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 395

## HOURS OF SERVICE OF DRIVERS

## Section

395.1000 General

395.2000 Incorporation by Reference of 49 CFR 395

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 395.2000 Incorporation by Reference of 49 CFR 395

a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1997 ~~October 1, 1997~~ ~~October 1, 1995~~, as amended at 63 FR 33254, June 18, 1998 ~~61-PR-14677-Apr 11-1996~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.

b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.

c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.

- 1) Sections 395.1(i) and 395.1(j) are deleted and not incorporated.
- 2) Section 395.1(e) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
- 3) Section 395.13 is not incorporated and the following substituted therefor:

A) Authority to declare drivers out-of-service due to any violation ~~violations~~ of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Inspections, Levels 1, 2, or 3 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver the driver ~~has violated the out-of-service is warranted criteria~~.

## B) Out-of-Service Criteria

- i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
- ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
- iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.

## C) Responsibilities of motor carriers

- i) No motor carrier shall:  
Require or permit a driver who has been declared out-of-service to operate a motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395;

Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a motor vehicle until that driver has been off duty for eight consecutive hours and is in compliance with this Section. The consecutive eight hour off duty period may include sleeper berth time.

- ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver-Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

## D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a motor vehicle until the driver has been off



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

duty for eight consecutive hours and is in compliance with this Section.

iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.

iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of motor vehicles.

4) Part 395 shall not apply to agricultural movements that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law) (61 FR 14677, April 3, 1996)

5) Part 395 shall not apply to all farm to market agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)

6) Part 395 shall not apply to any grain hauling operations that are engaged in intrastate commerce within a radius of 200 air miles of the normal work reporting location. (Section 18b-105(c)(6) of the Law)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Inspection, Repair and Maintenance

2) Code Citation: 92 Ill. Adm. Code 396

3) Section Numbers: Adopted Action:  
396.2000 Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to update the date of incorporation by reference of 49 CFR 396 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

(63 FR 33254, June 18, 1998) removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective, or burdensome.

Sections 396.2000(c)(2) and (c)(3) are being deleted from the regulations pursuant to P.A. 90-228, effective July 25, 1997. P.A. 90-228 amends 625 ILCS 5/18b-105 to require intrastate drivers of commercial motor vehicles to complete post-trip driver vehicle inspection reports and to review any previous report before operating the vehicle. Previously, only those drivers operating in interstate commerce were required to complete and review driver vehicle inspection reports. The requirements of 49 CFR 396.11 and 396.13 will apply to both interstate and intrastate drivers.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
217/785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
217/782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking affects small businesses that own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance:  
No new procedures are necessary.
- C) Types of professional skills necessary for compliance: No new skills are necessary.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 396

## INSPECTION, REPAIR AND MAINTENANCE

Section  
396.1000 General  
396.2000 Incorporation by Reference of 49 CFR 396  
396.2010 Inspection of Vehicles in Operation

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B], as amended by P.A. 90-228, effective July 25, 1997].

**SOURCE:** Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended at 19 Ill. Reg. 13046, effective August 30, 1995; amended at 20 Ill. Reg. 15340, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 396.2000 Incorporation by Reference of 49 CFR 396

- a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997, as amended at 63 FR 33254, June 18, 1998 October 17-1995, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.
  - 1) Section 396.9 is deleted and not incorporated.
  - 2) ~~Section 396.11 shall not apply to the operator of--a--commercial vehicle--used--in--intrastate--commerce--the--Illinois--Motor--Carrier--Safety--law--(the--law)--(625--ILCS 5/18b-105(c)(3))~~
  - 3) ~~Paragraphs--(b)--and--(c)--of--Section 396.13 shall not apply to the operator of--a--commercial vehicle--used--in--intrastate--commerce--(Section 18b-105(c)(4) of the law)~~
  - 4) Any commercial motor vehicle used in intrastate commerce that is inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) [625 ILCS 5/13-109] has complied with the periodic inspection procedures required by 49 CFR



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396.17.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
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- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Numbers: Proposed Action:  
 390.1010 Amend  
 390.1020 Amend  
 390.1030 Amend  
 390.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved:

By this Notice, the Department is proposing to update the date of incorporation by reference of 49 CFR 390, subpart B and newly incorporated subpart D as of October 1, 1997 and is updating all other references to 49 CFR as of October 1, 1997. These amendments also include the federal rulemaking adopted at 63 FR 3254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 3254, June 18, 1998] removes, amends and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective or burdensome.

Section 390.1010 is being amended by removing subsection (b) pertaining to the applicability of provisions found in 49 CFR 390, subpart C - Intermodal Transportation. The federal rulemaking cited at 62 FR 1293, January 9, 1997 removed subpart C from the federal regulations meaning, Section 390.1010 (b) is no longer necessary. (The Department is renumbering this Section accordingly.)

At Section 390.1010(d), the Department is changing the reference to correctly cite to the agricultural exception in the Illinois Hazardous Materials Transportation Regulations at 92 Ill. Adm. Code 171.22 and to clarify that this subsection applies to transportation by farmers only.

Section 390.1020 is being amended to revise the definitions of "Accident", "Exempt intracity zone" and "Principal place of business", pursuant to federal rulemaking, 63 FR 3254, June 18, 1998. Additionally, all CFR cites are being updated to the October 1, 1997 edition date. Several definitions are being deleted, also in accordance with the federal rulemaking, and these are: "Intermittent, casual, or occasional driver" and "Regularly employed driver". Likewise, several definitions are being

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added and they are: "Highway", "Multiple-employer driver" and "Single-employer driver". Finally, the definition of "Medical examiner" is being amended to clarify the significance of the "Illinois Medical Practice Act" when defining "medical examiner" in the Illinois regulations.

Section 390.1030 is being amended to reference the latest edition of the CFR.

Section 390.2000 is being amended to, among other things, clarify what federal provisions the Department is willing to incorporate by reference and what the Department will not incorporate by reference.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

## DEPARTMENT OF TRANSPORTATION

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JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements.
- C) Types of professional skills necessary for compliance: No new requirements.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:



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TITLE 92: TRANSPORTATION  
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## PART 390

## MOTOR CARRIER SAFETY REGULATIONS: GENERAL

## SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section  
 390.1000 Purpose  
 390.1010 General Applicability  
 390.1020 Definitions  
 390.1030 Rules of Construction

## SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section  
 390.2000 Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

## Section 390.1010 General Applicability

- a) All Parts of the MCSR except for "Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:  
 Persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce. (Section 18b-106 of the Law)
- b) ~~The provisions in subpart c of 49 CFR 390 are incorporated by reference in Section 390.2000 of this part and are applicable to persons tendering loaded containers or trailers to carriers used to transport such loaded containers or trailers and to persons who coerce or attempt to coerce a motor carrier to transport a loaded container or trailer in violation of that subpart.~~
- b)et 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a

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motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:

- 1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and
- 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

c)et The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation in Illinois of hazardous materials by a farmer when in approved containers and in the amounts and manner specified cited in 92 Ill. Adm. Code 171.22 171-5, Agriculture Exception Agricultural exception when such commodities are transported from retailer to final agricultural end-user or between final end-users from farm to farm in approved containers and in the amounts and manner specified.

d)et Nothing in the MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

e)et The MCSR requires knowledge of and compliance with the following:

- 1) Every employer shall be knowledgeable of and comply with all requirements contained in the MCSR which are applicable to that motor carrier's operations.
- 2) Every driver and employee shall comply with all applicable requirements contained in the MCSR and shall be instructed accordingly.
- 3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the MCSR.

f)et Except for provisions in paragraph 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101] or unless otherwise specifically provided, the requirements in the MCSR do not apply to:

- 1) All school bus operations as defined in Section 390.1020 of this Part;
- 2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States. The accident recordkeeping requirements of 49 CFR 390.15 remain applicable to the entities identified in this subsection when engaged in the interstate charter transportation of passengers;
- 3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- 4) The transportation of human corpses or sick and injured persons;
- 5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 390.1020 Definitions

The following definitions apply to all Parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

## "Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway public--road which results in:

## A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) vehicle to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo, or (63 FR 33254, June 18, 1998) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR 571.37) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823, (49 CFR 390.5, October 17, 1995)

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 18b-101 of the Law)

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety

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Regulations: General" (49 CFR 390.5, October 1, 1997 October-17-1995)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-108])

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 18b-101(1) of the Law)

"Commercial motor vehicle (CMV)" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or the vehicle is designed to transport more than 15 passengers, including the driver; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required,



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hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Department" means the Illinois Department of Transportation. (Section 18b-101 of the Law)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

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"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

## Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, ice storm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens

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human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled vehicles. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

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"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Highway Administration (FHWA) in 49 CFR 372, subpart B Interstate Commerce-Commission-(100)-in-Commercial-Zones-(49-CFR-1040.17-revised as-of--October-17-1995. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 USC 10526). "Exempt motor carriers" are subject to the requirements set forth in the Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 18b-101 of the Law)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that required the vehicle to be placarded in accordance with 49 CFR 177.823; and



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Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days after the accident. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission. (Section 1-124 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in the "Hazardous Materials Table and Hazardous Materials Communications" (49 CFR 172.101) when offered for

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transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (63 FR 33254, June 18, 1998)

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of 49 CFR 391.63 or 391.65, as applicable. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

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"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1997 ~~October-17-1994~~)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. Pursuant to the Illinois Medical Practice Act [225 ILCS 60], the term only includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the MCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Motor Carrier Safety Regulations (MCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397- (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Multiple-employer driver" means a driver, who in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (63 FR 33254, June 18, 1998)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

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"Operator" -- see driver.

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Out-of-service order" means a declaration by an authorized enforcement officer of a Federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 49 CFR 396.9, or compatible laws, or the North American Uniform Out-of-Service Criteria as defined in this Section. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 18b-101(5) of the Law)

"Planting and harvesting season" means the period of February 1 through November 30 each year (61-PR-14677-~~April-3-1996~~).

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 49 CFR 382 and 49 CFR 387, as well as Parts 390, 391, 395, 396, and 397 of this Subchapter d, available for inspection at this location within 48 hours (Saturdays, Sundays, and Federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Highway Administration or the Illinois Department of Transportation. (63 FR 33254, June 18, 1998) where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49-~~CFR-387~~), "Federal Motor Carrier Safety Regulations" (49-~~CFR-391~~), "Hours of Service of Drivers" (49-~~CFR-395~~), and "Inspection, Repair and Maintenance" (49-~~CFR-396~~) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of business. (49-~~CFR-398~~; 57-~~October-17-1995~~)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Private motor carrier of passengers (business)" means a private motor



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carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Regional Director" means the Director of the Office of Motor Carriers, Federal Highway Administration; for a given geographical region of the United States. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

~~"Regularly-employed-driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier.~~ (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

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"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (63 FR 33254, June 18, 1998)

"Special agent" -- See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural

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members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1997 October 1, 1995)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Truck" means any self-propelled motor vehicle except a truck/tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Truck/tractor" means a self-propelled motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1997 October-17-1995)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1997 October-17-1995)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.1030 Rules of Construction

- a) In the MCSR unless the context requires otherwise:
  - 1) Words imparting the singular include the plural;
  - 2) Words imparting the plural include the singular;
  - 3) Words imparting the masculine gender include the feminine; and
  - 4) Words imparting the present tense include the future tense. (49 CFR 390.7, October 1, 1997 October-17-1995)
- b) In the MCSR:
  - 1) "Officer" includes any person authorized by law to perform the duties of the office;
  - 2) "Writing" includes printing and typewriting;
  - 3) "Shall" is used in an imperative sense;
  - 4) "Must" is used in an imperative sense;
  - 5) "Should" is used in a recommendatory sense;
  - 6) "May" is used in a permissive sense; and
  - 7) "Includes" is used as a word of inclusion, not limitation. (49 CFR 390.7, October 1, 1997 October-17-1995)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

## Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subparts B and C are hereby incorporated by reference as those subparts of the FMCSR were in effect on October 1, 1997 October 17-1995, as amended at 63 FR 33254, June 18, 1998 61-PR-95467-March-07 1996, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B and D are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 390, subparts B and D shall apply for the purposes of this Subpart.
  - 1) 49 CFR 390.9 is deleted and not incorporated.
  - 2) Section 390.15(a) is not incorporated and the following is substituted therefor:
 

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Highway Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) Section 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:
 

An emergency has been declared by a Federal, State or local official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.
- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
- 6) Section 390.29(b) is not incorporated and the following is substituted therefor:
 

All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request



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is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) 49 CFR 390. Subpart D applies only to commercial motor vehicles engaged in interstate commerce.
- 8) 6) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 9) 7) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 10) 8) Any reference to a section in the incorporated material shall be read to refer to that Section in the MCSR.
- 11) 9) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1995)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: 393.2000  
Proposed Action: Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to update the date of incorporation by reference of 49 CFR 393 as of October 1, 1997 and including the federal rulemakings adopted at 63 FR 1383, January 9, 1998; 63 FR 8330, February 18, 1998; and 63 FR 24454, May 4, 1998.

This rulemaking incorporates by reference changes made in the following Dockets:

(63 FR 1383, January 9, 1998) revises the requirement concerning glazing materials, windshield condition, coloring and tinting of windshields and windows and obstructions to the driver's field of view.

(63 FR 8330, February 18, 1998) reduces the amount of tire overloading allowed on tires used to transport manufactured homes.

(63 FR 24454, May 4, 1998) requires that air-braked truck tractors manufactured on or after March 1, 1997, and air-braked single-unit trucks, buses, trailers and converter dollies manufactured on or after March 1, 1998, be equipped with antilock brake systems (ABSs). Requires hydraulic-braked trucks and buses manufactured on or after March 1, 1999 to be equipped with ABSs.

The Department is also amending Section 393.2000 (c)(3) to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance:  
No new procedures are necessary.

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- C) Types of professional skills necessary for compliance: No new skills are necessary.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998  
The full text of the Proposed Amendment(s) begins on the next page:



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## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 393

## PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

## Section

393.1000 General

393.2000 Incorporation by Reference of 49 CFR 393

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1997 ~~October-17-1995~~, as amended at 63 FR 1383, January 9, 1998 as amended at 63 FR 8330, February 18, 1998 and as amended at 63 FR 24454, May 4, 1998 ~~61-FR-10427-January 24-1996~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.

1) Section 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).

2) Section 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).

3) Authorized Illinois State Police shall place vehicles out-of-service for any violation ~~violations~~ of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Procedures and Enforcement
- 2) Code Citation: 92 Ill. Adm. Code 386
- 3) Section Numbers: 386.1120  
Proposed Action:  
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18B].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to amend Section 386.1120 to reduce the number of days, from 180 to 90, that a person charged with a violation of the Illinois Motor Carrier Safety Regulations (IMCSR) has to reach a settlement before a Notice of Probable Violation can be served upon a person. This proposed revision will result in a more efficient settlement of violations of the IMCSR.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking will impact small businesses the same as any other affected party regarding the time permitted to reach a settlement.

- 13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendment(s) begins on the next page:



## DEPARTMENT OF TRANSPORTATION

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 386

## PROCEDURES AND ENFORCEMENT

Section	Scope
386.1000	Definitions
386.1010	Service
386.1020	Subpoenas
386.1030	Responsibility for Enforcement
386.1040	Investigations
386.1050	Inspection of Records and Motor Vehicles
386.1060	Out of Service
386.1070	Record of Inspection
386.1080	Warning Letter
386.1090	Maximum Penalties
386.1100	Commencement of Civil Penalty Proceeding
386.1120	Reply
386.1130	Payment of Penalty
386.1140	Request for Hearing
386.1150	Hearing
386.1160	Presiding Officer's Decision
386.1170	Assessment Considerations
386.1180	Appeal
386.1190	Willful Violations
386.1200	

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15542, effective September 10, 1990; amended at 18 Ill. Reg. 779, effective January 11, 1994; amended at 19 Ill. Reg. 13073, effective August 30, 1995; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 386.1120 Commencement of Civil Penalty Proceeding

- a) When the Department has reason to believe that a person has committed an act which is a violation of any provision of the MCSR or a settlement agreement, and having considered the nature, circumstances, extent and gravity of the violation, and with respect to a person believed to have committed such a violation, the degree of culpability and history of prior offenses or warning letters, the Department, by the Director or his authorized representative, shall begin a civil penalty proceeding by serving a Notice of Intent to Assess Civil Monetary Penalty, in accordance with Section 386.1020, on a person

## DEPARTMENT OF TRANSPORTATION

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charging that person with having committed an act which is a violation of one or more provisions of these regulations or a settlement agreement.

- b) A Notice of Intent to Assess Civil Monetary Penalty issued under this Section shall include:

- 1) notice of the provision(s) of the MCSR or settlement agreement which the respondent is believed to have violated;
  - 2) a brief description of the manner in which the respondent is believed to have violated the MCSR or settlement agreement;
  - 3) notice of the maximum amount of civil penalty for which the respondent may be liable;
  - 4) notice of the amount of the civil penalty sought to be assessed by the Department;
  - 5) a description of the manner in which the respondent shall make payment in accordance with Section 386.1140 of any money to the State;
  - 6) a statement that the respondent may request a conference with the Department, by verbal or written request to the Director, to review and discuss the alleged violation and civil penalty, and of the procedures for requesting a conference; and
  - 7) a statement that if a settlement cannot be reached within 90 days, a Notice of Probable Violation will be served upon the respondent, and the respondent will have an opportunity for a hearing as provided by Section 18b-107(b) of the Law and Section 386.1160.
- c) In the event that the Department and the respondent do not enter a settlement agreement following service of a Notice of Intent to Assess Civil Monetary Penalty, the Department by the Director shall serve a Notice of Probable Violation on the respondent.
- d) A Notice of Probable Violation issued under this Section includes:
- 1) a statement of the provision(s) of the MCSR or of a settlement agreement which the respondent is believed to have violated;
  - 2) a statement of the factual allegations upon which the proposed civil penalty is being sought;
  - 3) notice of the maximum amount of civil penalty for which the respondent may be liable;
  - 4) notice of the amount of the civil penalty sought to be assessed by the Department;
  - 5) a description of the manner in which the respondent shall make payment of any money to the State in accordance with Section 386.1140;
  - 6) a statement of respondent's right to request a hearing and the procedures for requesting a hearing in accordance with Section 386.1150; and
  - 7) a statement of respondent's right to appear at the hearing and to present relevant written or oral explanations, information and materials in answer to the allegations or in mitigation of the penalty.

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- e) A settlement of a civil penalty proceeding may be effectuated at any time upon agreement of the parties, shall be reduced to writing by the Department and signed by the parties. Terms of the settlement may include a reduction in the amount of the proposed civil penalty, and may include training and procedural requirements agreed upon by the respondent and Department. Training and procedural requirements may be agreed upon to increase awareness of and compliance with the MCSR.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Qualification of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 391
- 3) Section Numbers: Proposed Action:  
391.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 391 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 33254, June 18, 1998] removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective or burdensome.

The Department is amending Section 391.2000(c)(1) to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

A new subsection is being added at Section 391.2000(c)(6) addressing the role of physician assistants and advanced practice nurses in performing a medical examination. The Department is renumbering subsequent subsections accordingly. Section 391.2000(c)(8) will be removed pursuant to 63 FR 33254, June 18, 1998 that removed 49 CFR 391.69 from the regulations and redesignated 49 CFR 391.73 as the new 49 CFR 391.69.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.



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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.

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- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance with this rulemaking.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

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## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER 6: MOTOR CARRIER SAFETY REGULATIONS

## PART 391

## QUALIFICATION OF DRIVERS

## Section

391.1000 General

391.2000 Incorporation By Reference of 49 CFR 391

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

**SOURCE:** Adopted at 14 Ill. Reg. 15560, effective September 10, 1990; amended at 15 Ill. Reg. 13189, effective August 21, 1991; amended at 16 Ill. Reg. 5362, effective March 23, 1992; amended at 16 Ill. Reg. 14715, effective September 14, 1992; amended at 18 Ill. Reg. 783, effective January 11, 1994; amended at 19 Ill. Reg. 13077, effective August 30, 1995; amended at 20 Ill. Reg. 15365, effective November 18, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 391.2000 Incorporation By Reference of 49 CFR 391**

- a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997, ~~October-17-1995 as amended at 63 FR 33254, June 18, 1998 64 FR-10427-January-24-1996, and as amended at 61 FR-95467--March--07-1996~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.
- c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.

1) Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020

1) ~~Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020~~

2) Section 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.

3) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the

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driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations (IMCSR) and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of 49 CFR 391 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner. (Section 18b-105 of the Law)

- 4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle which either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or which is designed to transport more than 15 passengers, including the driver; or which has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the IMCSR and engaged in operating such vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-829 which made the IMCSR applicable to vehicles described above. The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

- 5) Section 391.43(a)(1) is not incorporated and the following substituted therefor:

Except as provided by 49 CFR 391.43(b) of this section, the medical examination shall be performed by a licensed medical examiner as defined in 92 Ill. Adm. Code 390.1020.

- 6) Physician assistants and advanced practice nurses can assist medical examiners in performing the medical examination. However, physician assistants and advanced practice nurses must work under the direction of a medical examiner and are prohibited from signing the medical examiner's certificate.

7) ~~Section 391.43(g)(4) is added to the Illinois Motor Carrier Safety Regulations and reads as follows: If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of Section 391.2000(c)(3) or 391.2000(c)(4) above, the~~



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following shall appear on the medical examiner's certificate: "Qualified only for intrastate transportation in Illinois."

8) ~~7~~ Section 391.49(a) is not incorporated and the following substituted therefor:

A person who is not physically qualified to drive under 49 CFR 391, and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle in interstate or intrastate transportation if the Regional Director, Motor Carrier Safety has granted a waiver to that person.

8) ~~Section 391.69 is deleted and not incorporated.~~

9) Section 391.83(a) is modified to cause 49 CFR 391, Subpart H to apply to motor carriers and persons, except for private motor carriers of passengers (nonbusiness), who operate a commercial motor vehicle, as defined in 49 CFR 391.85 in either interstate or intrastate commerce.

10) The definition of "commercial motor vehicle" in Section 391.85 is modified to include such vehicles operated in either interstate or intrastate commerce, and to not include farm machinery, fertilizer spreaders or other special agricultural movement equipment or implements of husbandry used in intrastate commerce.

11) Section 391.87(g) is not incorporated and the following substituted therefor:

A motor carrier shall produce upon demand and shall permit the Illinois Department of Transportation or Administrator of the US DOT to examine all records related to the administration and results of controlled substance testing performed under this Part.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Licensing and Regulation of Pawnbrokers

2) Code Citation: 38 Ill. Adm. Code 360

3) Section Number:

360.10	New Section	<u>Adoption Action:</u>
360.100	New Section	
360.110	New Section	
360.120	New Section	
360.130	New Section	
360.140	New Section	
360.150	New Section	
360.160	New Section	
360.170	New Section	
360.200	New Section	
360.210	New Section	
360.300	New Section	
360.310	New Section	
360.400	New Section	
360.410	New Section	
360.420	New Section	
360.500	New Section	
360.510	New Section	
360.520	New Section	
360.600	New Section	
360.610	New Section	
360.620	New Section	
360.630	New Section	
360.640	New Section	

4) Statutory Authority: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510]

5) Effective Date of Adopted Rules: October 29, 1998

6) Does this rule contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rules was published in the Illinois Register: July 31, 1998; 22 Ill. Reg. 14122

10) Has JCAR issued a Statement of Objection to this rule? No

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- 11) Differences between proposal and final version: None
- 12) Have all the Changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: Effective July 1, 1998, the Office of Banks and Real Estate began licensing Illinois Pawnbrokers pursuant to the Pawnbroker Regulation Act [205 ILCS 510]. These Rules set forth definitions, license requirements, hearing procedures, and other administrative rules needed to implement the new program.

15) Information and questions regarding these Adopted Rules shall be directed to:

William J. Brown  
Office of Banks and Real Estate  
500 East Monroe Street, Suite 900  
Springfield, Illinois 62701  
(217) 782-3000  
FAX: (217) 524-5941

The full text of the Adopted Rules begins on the next page:

ILLINOIS REGISTER

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 360  
LICENSING AND REGULATION OF PAWNBROKERS

SUBPART A: DEFINITIONS

Section	Definitions
360.10	
Section	Purpose
360.100	Application for License
360.110	Processing of Application
360.120	Standards for License
360.130	Initial Applications for License from Persons Operating or Who Have Operated a Pawnshop for the Two Years Preceding July 1, 1998
360.140	Change in Control or Form of Ownership, Change in Location, Change in Name of Pawnshop, Voluntary Surrender of License; Fees
360.150	Expiration and Renewal of Licenses; Fees
360.160	Display of License
360.170	

SUBPART B: PAWNSHOP LICENSE

SUBPART C: FORMS

Section	Purpose and Scope
360.200	Forms
360.210	

SUBPART D: UNIFORM RULES FOR HEARINGS BEFORE THE COMMISSIONER

Section	Scope
360.300	Procedure for Hearings before the Commissioner
360.310	

SUBPART E: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO ORDERS

Section	Scope
360.400	Grounds for an Order
360.410	Effective Date of Order; Service
360.420	

SUBPART F: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO ASSESSMENT AND COLLECTION OF CIVIL MONEY PENALTIES



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## Section

- 360.500 Scope  
 360.510 Assessment of Penalties  
 360.520 Effective Date of, Payment under, and Service of an Order to Pay

SUBPART G: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS FOR  
 REVOCATION OR SUSPENSION OF LICENSE

## Section

- 360.600 Scope  
 360.610 Grounds for Suspension of License  
 360.620 Grounds for Revocation of License  
 360.630 Notice to Customers  
 360.640 Effective Date of Revocation or Suspension; Service

AUTHORITY: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510].

SOURCE: Emergency Rule adopted at 22 Ill. Reg. 12963, effective July 1, 1998, for a ~~229-1998~~ 0 days; adopted at 22 Ill. Reg. **19730**, effective ~~July 1, 1998~~.

## SUBPART A: DEFINITIONS

## Section 360.10 Definitions

For purposes of this Part:

"Applicant" means the individual or business entity applying to the Commissioner for a license.

"Commissioner" means the Commissioner of Banks and Real Estate, or a person authorized by the Commissioner to act in the Commissioner's stead.

"License" means the authority to operate a pawnshop as issued by the Commissioner.

"Licensee" means the individual or business entity who has been issued a license by the Commissioner.

"Pawnbroker" shall have the same meaning ascribed to that term in Section 1 of the Pawnbroker Regulation Act [205 ILCS 510/1].

"Pledger" means any person who has pledged tangible personal property as collateral for a pawn loan.

"Principal party" means any officer or director of a pawnshop or a

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corporation that owns or seeks to own a pawnshop; any manager of a limited liability company that is a pawnshop or that owns or seeks to own a pawnshop; any shareholder or member owning 10% or more of the outstanding stock or membership interests of a pawnshop or a business entity that owns or seeks to own a pawnshop; or any partner, whether general or limited, of a partnership that is a pawnshop or that owns or seeks to own a pawnshop.

"Respondent" means the person named in an administrative decision.

## SUBPART B: PAWNSHOP LICENSE

## Section 360.100 Purpose

This Subpart sets forth:

- where required applications and notices must be filed;
- the contents of the application package;
- the locations where the application package may be obtained;
- the procedures to be followed by both the Commissioner and the applicant during the processing of an application or notice;
- the fee which will be levied for each type of application or notice;
- the standards for licensure;
- the procedures to be followed by both the Commissioner and a licensee relating to a change in location or name of a pawnshop;
- the procedures to be followed by the Commissioner, a licensee and an acquiring party relating to a change in control or form of ownership of a pawnshop;
- the procedures to be followed by both the Commissioner and a licensee relating to the renewal of a license; and
- requirements relating to the display of a license.

A copy of the fee schedule established by the Commissioner may be obtained upon written request.

## Section 360.110 Application for License

- Requirement, where to file. Section 0.05(c) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(c)] provides that it is unlawful to operate a pawnshop without a license issued by the Commissioner. All requests for an application package must be directed to the Office of Banks and Real Estate, Bureau of Banks and Trust Companies, 500 East Monroe, Springfield, Illinois 62701-1532 (Telephone (217) 785-2900) or to the Office of Banks and Real Estate, Bureau of Banks and Trust Companies, 310 South Michigan Avenue, Suite 2130, Chicago, Illinois 60604-4278 (Telephone (312) 793-3000) by written correspondence or telephone. A separate license is required for each pawnshop location. Instructions, contents. An application for a license must be submitted on the form prescribed in Section 360.210 of this Part. An application for a license shall be made under oath and state the full

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name and address of the applicant together with any other relevant information the Commissioner shall require. The application shall also include, but not be limited to, the following requirements:

- 1) Disclosure of Principal Parties. The full name and place of residence of all principal parties must be provided.
- 2) Background Investigation. The Commissioner may require that credit and criminal history record investigations be conducted on each applicant and principal party. Each applicant and principal party shall complete an Authorization For Release of Personal Information form that authorizes the Commissioner to conduct a criminal history record investigation and a review of retail credit agencies' records (including credit reports and ratings).

At the request of the Commissioner, each applicant and principal party shall submit to, and have performed, a criminal history record investigation in the form and manner required by the Department of State Police and the Federal Bureau of Investigation. The Commissioner need not cause additional criminal history record investigations to be conducted on an applicant or principal party for whom the Commissioner or any other government agency has caused such investigations to have been conducted previously unless such additional investigations are otherwise required by law or unless the Commissioner deems such additional investigations to be necessary for the purposes of carrying out the Commissioner's statutory powers and responsibilities.

- 3) Fees. The applicant must submit the Application Fee of \$600 with the completed application. Unless otherwise permitted by the Commissioner, the payment of all fees shall be made by certified check, money order, an electronic transfer of funds, or an automatic debit of an account. Certified checks or money orders shall be made payable to the Office of Banks and Real Estate.

## Section 360.120 Processing of Application

- a) Initial review. The Commissioner shall evaluate all applications within 30 business days after receipt and acknowledge completeness, identify deficiencies, and request additional information, if necessary. A completed application is one that conforms to all instructions provided in the application package and for which all fees have been paid. The Commissioner may reject an incomplete application.
- b) Failure to complete application. If a complete application has not been filed with the Commissioner within 30 business days after the Commissioner's request for additional information, the application shall be denied and the applicable fee shall be forfeited, unless a further extension of time has been granted by the Commissioner.
- c) Consideration of completed application. Upon receipt of a completed application and all required fees, a determination will be made by the

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Commissioner within 30 business days to approve or deny the application request, unless the Commissioner determines additional time is necessary (e.g., pending background investigations). A written notice of the Commissioner's decision will be mailed to the applicant. The written notice for all denied applications will also include the reason(s) for denial. The applicable fee for all denied applications will not be refunded to the applicant.

- d) Petition for reconsideration. An applicant has the right to petition the Commissioner for reconsideration within 30 business days after receipt of the written notice of license denial. The petition must be in writing and should address the reason(s) for denial as cited by the Commissioner, specify reasons why the Commissioner should reconsider the decision, and provide relevant information that supports the reasons set forth above. The Commissioner shall respond to all petitions within 30 business days after receipt, unless the Commissioner determines additional time is necessary.

## Section 360.130 Standards for Licensure

Unless otherwise authorized by the Commissioner, in order to be eligible for a license to operate a pawnshop, each applicant and principal party must:

- a) if an individual, be eighteen years of age or older;
  - b) not have been convicted of a felony or of any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop;
  - c) possess the character and general fitness necessary to warrant belief that the business will be operated in a lawful and fair manner.
- In determining whether to grant a license, the Commissioner shall consider the nature of the offense, the amount of time since the conviction, and any other mitigating factors the Commissioner may deem appropriate with regards to an applicant or principal party who has been convicted of a felony or any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop.

## Section 360.140 Initial Applications for License from Persons Operating or Who Have Operated a Pawnshop for the Two Years Preceding July 1, 1998

Unless otherwise authorized by the Commissioner, for persons who have operated a pawnshop at any time between July 1, 1996 through June 30, 1998, in order to be eligible for a license to operate a pawnshop, each applicant and principal party must:

- a) not have been convicted of a felony or of any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop;
- b) provide the Commissioner with satisfactory evidence (e.g., a copy of a license issued from a municipality or copy of pages from a standard record book) that business activities were being conducted within the time period stated above.



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In determining whether to grant a license, the Commissioner shall consider the nature of the offense, the amount of time since the conviction, and any other mitigating factors the Commissioner may deem appropriate with regards to an applicant or principal party who has been convicted of a felony or any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop.

#### Section 360.150 Change in Control or Form of Ownership, Change in Location, Change in Name of Pawnshop, Voluntary Surrender of License; Fees

a) Change in Control or Form of Ownership. An application must be filed, by the acquiring party, not less than 30 days prior to the anticipated change in control or change in the form of ownership of a pawnshop. As used in this Section, "control" means a change involving the sale, assignment or transfer of a pawnshop; the addition or elimination of any general or limited partner; or a 10 percent or more change in the ownership of the outstanding stock, or membership interest, of a corporation that owns a pawnshop. A change in the form of ownership is considered to be a change from one type of business entity to another type of business entity (e.g., sole proprietorship to a corporation, partnership to sole proprietorship). The application must be submitted on the form prescribed in Section 360.210 of this Part, in accordance with the Commissioner's instructions. The payment of the applicable Change in Control or Form of Ownership Fee must accompany the application. No change in control or form of ownership shall occur until approved by the Commissioner. The Commissioner may prohibit a change in control or form of ownership from occurring if the licensee does not meet the license standards set forth in Section 360.130 of this Part. The processing of the application shall be conducted in the same manner as provided in Section 360.120 of this Part. The Change of Control or Form of Ownership Fee is \$300.

b) Gift, Bequest, or Inheritance. Any person who, by gift, bequest, or inheritance, obtains ownership rights to an existing pawnshop or ownership rights in a company that controls the pawnshop such that ownership rights would constitute control of the pawnshop or company, may obtain title and ownership rights, but may not exercise management or control of the business and affairs of the pawnshop or vote so as to exercise management or control unless and until the Commissioner approves an application for the change in control as provided in this Section, unless such person has requested, in writing, and received an exemption from the Commissioner.

c) Change in Location. An application to change the location of a pawnshop must be filed not less than 45 days prior to the anticipated date of relocation. The application must be submitted on the form prescribed in Section 360.210 of this Part, in accordance with the Commissioner's instructions, and the processing of the application shall be conducted in the same manner as provided in Section 360.120 of this Part. The payment of the applicable Change in Location Fee

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must accompany the application. At a minimum, the application shall include: the present name and address of the licensed pawnshop, the address and phone number of the proposed new location, the anticipated date of relocation, a list of the addresses of all pledgers with open pawn loans, and a sample copy of the written notice that shall be provided to the pledgers of open pawn loans. No relocation of a pawnshop may occur until approved by the Commissioner. The Commissioner may prohibit a relocation if it adversely affects the ability of pledgers to redeem pledged goods due to the distance between the locations. Upon approval of a change in location by the Commissioner, the licensee shall provide notification to all pledgers with open pawn loans by signs and written notice. The written notice shall be mailed to all pledgers with open pawn loans of record, at their last known mailing address, not less than 15 days prior to the anticipated date of relocation. The written notice must include the name of the pawnshop as well as identify both the old and the new locations, the telephone number of the new location, and the anticipated date of relocation. At a minimum, two signs, of reasonable size and visibility, shall be posted on the outside of the pawnshop for 15 business days prior to the relocation. The signs shall include the information provided in substantially the following form:

#### NOTICE OF CHANGE IN LOCATION (centered, in caps and bold) (DATE)

(Name of Pawnshop) WILL BE MOVING TO (new address)

THE TELEPHONE NUMBER AT THE NEW LOCATION IS (telephone number)

THE ANTICIPATED DATE OF RELOCATION IS (date of relocation)

The Commissioner may waive the notification to pledgers by mail if a determination has been made that no pledgers will be adversely affected by the relocation (e.g., the pawnshop relocates to a building within close proximity of the former location). Upon receipt of the completed form, payment of the applicable fee, and the Commissioner's approval, a new license shall be issued to the licensee. The licensee must surrender its former license to the Commissioner not less than 10 business days after the relocation has occurred, unless an exemption has been granted by the Commissioner. The Change of Location Fee is \$50.

d) Change in Name of Pawnshop. Prior to the change in the name of a pawnshop, the licensee shall provide written notice to the Commissioner, not less than 30 days prior to the anticipated change, and pay the applicable fee, as established by the Commissioner. Upon receipt of the written notice and applicable fee, the Commissioner shall issue a new license. At such time, the licensee must surrender its former license to the Commissioner. The Change in Name Fee is \$50.

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- e) Voluntary Surrender of License. Prior to the voluntary surrender of a license, the licensee shall provide not less than 60 days written notice to the Commissioner. The licensee shall also provide all pledgers with open pawn loans, at their last known mailing address, with 60 days written notice and shall publish a notice in two consecutive issues of a local newspaper of general circulation. At a minimum, the notice shall contain: the name and address of the pawnshop, the telephone number of the pawnshop, and the anticipated date on which business operations will cease. Prior to the cancellation of any license, the licensee shall certify to the Commissioner, in the manner prescribed by the Commissioner, that the pawnshop has no open pawn loans and that no further pawn loans shall be made. Upon receiving the certification from the licensee, the Commissioner shall cancel the license. At such time, the license shall be surrendered to the Commissioner. Ceasing business shall not impair or affect the obligation of either the pawnbroker or the pledger to fulfill the terms of any preexisting contract between them.

**Section 360.160 Expiration and Renewal of Licenses; Fees**

- a) License Expiration. Every license shall expire on June 30 of each year. The holder of a license may request to renew such license by filing an application with the Commissioner.
- b) License Renewal. All applications for license renewal for the succeeding license period must be mailed to the Commissioner and be postmarked no later than May 1 of each year. An application package and related instructions will be mailed to all licensees prior to April 1 of each year at the address listed on their most recent application. All applications must be submitted on the form prescribed in Section 360.210 of this Part, in accordance with the Commissioner's instructions. The payment of the applicable Renewal Fee must accompany the application. In addition to the applicable Renewal Fee, a Late Filing Fee of \$50 per day shall be assessed for all applications postmarked after May 1 of each year, unless an exception has been granted by the Commissioner. All applications for license renewal will be held to the standards set forth in Section 360.130 of this Part. The application process will be administered according to the rules set forth in Section 360.120 of this Part. The Renewal Fee will not be prorated.

**Section 360.170 Display of License**

The license must be conspicuously displayed for public view at the place of business provided on the license.

## SUBPART C: FORMS

## OFFICE OF BANKS AND REAL ESTATE

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**Section 360.200 Purpose and Scope**

This Subpart sets forth the forms required to be filed by statute or rule for reports, applications, and other requests. The forms and instructions can be obtained from the Office of Banks and Real Estate.

**Section 360.210 Forms**

- a) PAWNSHOP DISCLOSURE OF BUSINESS ACTIVITIES REPORT (Disclosure Report). This form is an annual report that shall be completed, by each pawnshop to disclose such information, for the preceding calendar year, as required by the Commissioner pursuant to Section 7.5 of the Pawnbroker Regulation Act [205 ILCS 510/7.5]. The Commissioner, as often as the Commissioner shall deem necessary or proper, may require a pawnshop to submit a full and detailed report of its operations, including, but not limited to, the number of pawns made, the amount financed on pawn transactions, and the number and amount of pawns surrendered to law enforcement. The licensee must file the Disclosure Report with the Commissioner no later than 30 calendar days following the end of each calendar year.
- b) APPLICATION FOR LICENSE UNDER THE PAWNBROKER REGULATION ACT. This form shall be completed, according to the Commissioner's instructions, in order to apply for a license or renewal of license as required in Section 0.05(c) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(c)] and Section 360.110 and Section 360.160 of this Part.
- c) APPLICATION FOR A CHANGE IN CONTROL OR A CHANGE IN THE FORM OF OWNERSHIP OF AN ILLINOIS PAWNBROKER. This form shall be completed, according to the Commissioner's instructions, in order to apply for the approval of a change in control or a change in the form of ownership of a pawnshop as required in Section 360.150 of this Part.
- d) APPLICATION TO CHANGE THE LOCATION OF AN ILLINOIS PAWNBROKER. This form shall be completed, according to the Commissioner's instructions, in order to apply for a change in the location of a pawnshop as required in Section 360.150 of this Part.

## SUBPART D: UNIFORM RULES FOR HEARINGS BEFORE THE COMMISSIONER

**Section 360.300 Scope**

This Subpart prescribes rules of practice and procedure applicable to hearings as a result of the following administrative decisions made by the Commissioner:

- a) orders under Section 0.05(a)(7) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(7)];
- b) assessment of civil money penalties under Section 0.05(a)(6) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(6)];
- c) suspension of license under Section 0.05(a)(7) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(7)];
- d) revocation of license under Section 0.05(a)(10) of the Pawnbroker



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- Regulation Act [205 ILCS 510/0.05(a)(10)]; and  
 e) denial of an application under Section 360.120 of this Part.

**Section 360.310 Procedure for Hearings before the Commissioner**

If the respondent has specific grounds for believing the evidence upon which an administrative decision is based is not factual, then the respondent may request a hearing before the Commissioner. The procedure for hearings before the Commissioner will be conducted according to Part 392 of the Office of Banks and Real Estate rules entitled "Hearings Before the Office of Banks of Real Estate" (38 Ill. Adm. Code 392).

**SUBPART E: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO ORDERS**

**Section 360.400 Scope**

The rules and procedures in this Subpart shall apply to proceedings in connection with an order issued by the Commissioner pursuant to Section 0.05(a)(7) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(7)]. The Commissioner may issue an order to a licensee, principal party, employee, agent, or other entity doing business without the required license.

**Section 360.410 Grounds for an Order**

An order may be issued when, in the opinion of the Commissioner, the licensee, principal party, employee, agent, or any other entity doing business without the required license is violating, has violated, or is about to violate, any law, rule, or order relating to a pawnshop or is engaged, has engaged, or is about to engage in any unethical or fraudulent activity.

**Section 360.420 Effective Date of Order; Service**

An order issued by the Commissioner is effective when served upon the licensee, agent, or other entity doing business without the required license. All orders shall remain effective and enforceable when served, except to the extent they are stayed, modified, terminated, or set aside by the Commissioner. Service of an order shall be made upon every party of record by hand delivery or by certified mail, return receipt requested. Delivery to the United States Postal Service shall be presumed to constitute delivery to the respondent, agent, or other entity doing business without the required license.

**SUBPART F: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO ASSESSMENT AND COLLECTION OF CIVIL MONEY PENALTIES**

**Section 360.500 Scope**

The rules and procedures of this Subpart shall apply to proceedings to assess

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and collect civil money penalties. The Commissioner has the power to assess civil money penalties pursuant to Section 0.05(a)(6) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(6)].

**Section 360.510 Assessment of Penalties**

- a) Grounds. Pursuant to Section 0.05(a)(6) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(6)], civil penalties may be imposed against any person for each violation of any provision of the Pawnbroker Regulation Act, any rule promulgated in accordance with the Pawnbroker Regulation Act, or any order issued by the Commissioner based upon the seriousness of the violation.

- b) Amount. The Commissioner may assess civil penalties graduated up to \$1,000.

- c) Relevant Considerations. In determining the amount of the civil penalty to be assessed, the Commissioner shall consider the gravity of the violation, the history of previous violations, the financial resources and good faith of the person, and any such other matters as justice may require.

**Section 360.520 Effective Date of, Payment under, and Service of an Order to Pay**

- a) Effective date. Unless otherwise provided, civil penalties are due and payable 60 days after the order is served on the respondent.

- b) If the respondent both requests a hearing before the Commissioner and serves an answer, civil penalties are due and payable 60 days from the date of the Commissioner's determination or after the respondent's default unless the Commissioner's determination provides for a different period of payment or the civil penalty is rescinded.

- c) Civil penalties assessed pursuant to an order to pay issued upon consent are due and payable within the time specified therein.

- d) Payment. All penalties collected under this Subpart shall be paid by certified check or money order and be made payable to the Office of Banks and Real Estate.

- e) Service. Service of a civil money penalty shall be made upon each respondent by hand delivery or by certified mail, return receipt requested. Delivery to the United States Postal Service shall be presumed to constitute delivery to the respondent.

**SUBPART G: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS FOR REVOCATION OR SUSPENSION OF LICENSE**

**Section 360.600 Scope**

The rules and procedures in this Subpart shall apply to proceedings in connection with the suspension of license of a pawnshop pursuant to Section 0.05(a)(7) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(7)] and the

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revocation of license of a pawnshop pursuant to Section 0.05(a)(10) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(10)]. The revocation or suspension of license shall not impair or affect the obligation of either the pawnbroker or the pledger to fulfill the terms of any preexisting memorandum, contract, or note.

**Section 360.610 Grounds for Suspension of License**

The following are grounds for suspension of license pursuant to Section 0.05(a)(7) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(7)]:

- a) violations of the Pawnbroker Regulation Act;
- b) violations of any rule promulgated in accordance with the Pawnbroker Regulation Act; or
- c) violations of any other applicable law in connection with the operations of a pawnshop.

**Section 360.620 Grounds for Revocation of License**

The following are grounds for revocation of license pursuant to Section 0.05(a)(10) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(10)]:

- a) a licensee has been convicted of a felony in connection with the operations of a pawnshop;
- b) a licensee knowingly or recklessly violates, or has continuously violated, the Pawnbroker Regulation Act, a rule promulgated in accordance with the Pawnbroker Regulation Act, or any order of the Commissioner;
- c) a fact or condition exists that, if it had existed or had been known at the time of the original application, would have justified license refusal; or
- d) the licensee knowingly submits materially false or misleading documents with the intent to deceive the Commissioner or any other party.

**Section 360.630 Notice to Customers**

If the Commissioner enters an order revoking the license of a pawnshop, the Commissioner shall, on the day the order becomes final, or such other day as the order prescribes, mail a written notification of revocation of license to all persons who have things in pledge at the most recent address listed on the pawn ticket. The Commissioner shall also publish the notification in two consecutive issues of a local newspaper of general circulation. The Commissioner shall be reimbursed by the licensee for all expenses incurred in connection with the notification. The Notification of License Revocation shall include the information provided in substantially the following form:

NOTIFICATION OF LICENSE REVOCATION (centered, in caps and bold)  
(DATE)

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1. Pursuant to Section 0.05(a)(7) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(a)(7)], the license of (name of pawnshop) has been revoked as of (the date the order becomes final).
2. (Name and address of pawnshop) is no longer permitted to engage in the business of receiving property in pledge or as security for money or other thing advanced.
3. The revocation of license shall not impair or affect the obligation of either the pawnbroker or the pledger to fulfill the terms of any preexisting memorandum, contract, or note.
4. If you have a current business transaction with (name and address of pawnshop), you should contact (address and phone number of Commissioner's agent) within 30 business days to make arrangements for the disposition of any business transaction.
5. The grounds for the license revocation are (list all grounds as stated in the order).

**Section 360.640 Effective Date of Revocation or Suspension; Service**

A revocation or suspension of license issued by the Commissioner is effective when served upon the respondent unless another date is specified. A suspension of license shall not exceed 30 days. All revocations or suspensions shall remain effective and enforceable, except to the extent they are stayed, modified, terminated, or set aside by the Commissioner. Service of the revocation or suspension of license shall be made upon every respondent by hand delivery or by certified mail, return receipt requested. Delivery to the United States Postal Service shall be presumed to constitute delivery to the respondent.



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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: 25.67  
Adopted Action:  
New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 17, 1998; 22 Ill. Reg. 12427
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: A colon was inserted after the word "including" in Section 25.67(d)(5)(A).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes; additional proposed amendments were published at 22 Ill. Reg. 17159 (October 2, 1998).
- 15) Summary and Purpose of Amendments:

This rule establishes the approval standards for alternative programs leading to certification for teachers, which were authorized by P.A. 90-548. Each alternative program must consist of three components:

- \* a course of study approved by the State Board of Education;
- \* one year's full-time assignment to a teaching position; and
- \* a comprehensive assessment of the candidate's performance during the one-year assignment, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.

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The rule indicates the required content of program proposals to cover each of these three areas, as well as establishing reporting requirements. For their ongoing approval, the programs are made subject to the Fifth-Year Review that applies to other approved preparation programs.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: J. Robert Sampson  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
Telephone: (217) 782-3774

The full text of the Adopted Amendments begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

## Section

25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

## Section

25.20 State Elementary School Certificate

25.30 State High School Certificate

25.40 State Special Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Early Childhood Certificates

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

## SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

## Section

25.110 System of Approval: Levels of Approval

25.120 Standards and Criteria for Institutional Recognition and Program Approval

25.130 Procedures for Initial Recognition as a Teacher Education Institution

25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia

25.150 The Periodic Review Process

## SUBPART D: SCHOOL SERVICE PERSONNEL

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## SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

## Section

25.210 Requirements for the Certification of School Social Workers

25.220 Requirements for the Certification of Guidance Personnel

25.230 Requirements for the Certification of School Psychologists

25.240 Standard for School Nurse Endorsement

## Section

25.310 Definitions (Repealed)

25.311 Administrative Certificate

25.315 Renewal of Administrative Certificate

25.320 Application for Approval of Program (Repealed)

25.322 General Supervisory Endorsement

25.330 Standards and Guide for Approved Programs (Repealed)

25.333 General Administrative Endorsement

25.344 Chief School Business Official Endorsement

25.355 Superintendent

## SUBPART F: GENERAL PROVISIONS

## Section

25.405 Military Service

25.410 Revoked Certificates

25.415 Credit in Junior College

25.420 Psychology Accepted as Professional Education

25.425 Individuals Prepared in Out-of-State Institutions

25.427 Three-Year Limitation

25.430 Institutional Approval

25.435 School Service Personnel Certificate--Waiver of Evaluations

25.437 Equivalency of General Education Requirements

25.440 Master of Arts NCATE

25.442 Illinois Teacher Corps Programs

25.445 College Credit for High School Mathematics and Language Courses

25.450 Lapsed Certificates

25.455 Substitute Certificates

25.460 Provisional Special and Provisional High School Certificates

25.465 Credit

25.470 Meaning of Experience on Administrative Certificates

25.475 Certificates and Permits No Longer Issued

25.480 Credit for Certification Purposes

25.485 Provisional Recognition of Institutions

25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime

25.493 Part-Time Teaching Interns

25.495 Approval of Out-of-State Institutions and Programs

25.497 Supervisory Endorsements



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SUBPART G: THE UTILIZATION OF TEACHER AIDES AND  
OTHER NONCERTIFIED PERSONNEL

Section  
25.510 Teacher Aides  
25.520 Other Noncertificated Personnel  
25.530 Specialized Instruction by Noncertificated Personnel  
25.540 Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

Section  
25.610 Definitions  
25.620 Student Teaching  
25.630 Pay for Student Teaching

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section  
25.705 Purpose - Severability  
25.710 Definitions  
25.715 Test Validation  
25.717 Test Equivalence  
25.720 Applicability of Testing Requirement  
25.725 Applicability of Scores  
25.728 Use of Basic Skills Test at Time of Entry into Teacher Education  
25.730 Registration  
25.732 Late Registration  
25.733 Emergency Registration  
25.735 Frequency and Location of Examination  
25.740 Accommodation of Persons with Special Needs  
25.745 Special Test Dates  
25.750 Conditions of Testing  
25.755 Voiding of Scores  
25.760 Passing Score  
25.765 Individual Test Score Reports  
25.770 Rescoring  
25.775 Institution Test Score Reports  
25.780 Fees

APPENDIX A Statistical Test Equating - Certification Testing System

**AUTHORITY:** Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6],

**SOURCE:** Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10

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Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective OCT 30 1998.

## SUBPART B: CERTIFICATES

**Section 25.67 Alternative Route to Teacher Certification**

- a) Section 21-5c of the School Code [105 ILCS 5/21-5c] provides for the issuance of provisional alternative teaching certificates to eligible candidates, as defined in that Section, who successfully complete an intensive course of study approved by the State Board of Education.
- b) Section 21-5c of the School Code further provides for the issuance of initial teaching certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:
- 1) one year's full-time teaching; and
  - 2) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.
- c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5c of the School Code and this Section. Proposals shall be addressed as follows:

State Board of Education  
Alternative Certification Program  
100 North First Street  
Springfield, Illinois 62777-0001

## d) Proposal Requirements

- 1) Each proposal shall describe the role and responsibilities of each cosponsor of the alternative program.
- 2) Each proposal shall demonstrate how the participating institution of higher education will evaluate the congruence of a candidate's baccalaureate education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and certification.
- 3) Each proposal shall state that all candidates must:

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- 4) Each proposal shall describe the proposed course of study.
- A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Section 25.120 of this Part with regard to:
- educational theory;
  - instructional methods; and
  - practice teaching.
- B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon such factors as their experience and the type of program offered. In all cases, the amount of time needed shall be less than that required to complete the institution's program approved pursuant to Section 25.120 of this Part.
- C) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long teaching assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.
- 5) Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school district(s) where candidates will practice. Each such agreement shall address:
- A) the nature and intensity of the support to be provided to candidates by experienced teachers and other staff members of the district, including:
- the qualifications and experience of the assisting teachers and staff,
  - the estimated amount of time assisting teachers and staff will devote to advising and assisting candidates, and
  - the specific roles of the assisting teachers and staff; and
- B) provisions enabling candidates to compensate for teaching time lost due to emergencies.

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- 6) Each proposal shall describe the proposed method of assessing candidates' teaching performance for the year referred to in this Section and shall provide for such methods to be set forth in a formal, written agreement between the participating institution of higher education and the school district(s) where candidates will practice. Each such agreement shall describe:
- the roles of all parties who will participate in the evaluation of candidates; and
  - assessment methods capable of demonstrating whether a candidate is:
    - knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and
    - skilled in managing and monitoring students' learning.
- 7) Each proposal shall delineate the criteria by which candidates will be recommended for initial certification by the participating institution of higher education.
- e) Each alternative program established pursuant to this Section shall be subject to the Fifth-Year Review described in Section 25.150 of this Part.
- f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the State Teacher Certification Board that describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of individuals who complete each program.

(Source: Added at 22 Ill. Reg. 19745, effective OCT 30 1998)



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1) Heading of the Part: Insurance for Certificated Employees

2) Code Citation: 23 Ill. Adm. Code 56

3) Section Numbers: Adopted Action:

56.10	New Section
56.20	New Section
56.30	New Section
56.40	New Section
56.50	New Section
56.60	New Section
56.70	New Section
56.80	New Section
56.90	New Section
56.100	New Section
56.110	New Section
56.120	New Section

4) Statutory Authority: 105 ILCS 5/2-3.124

5) Effective Date of Rules: November 2, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 9402; June 5, 1998.

10) Has JCAR issued a Statement of Objections to adopted rule(s)? No

11) Difference(s) between proposed and final version: Definitions for primary insurer and supplemental insurer have been expanded, as follows:

• Primary insurer means, as between two potential insurers or indemnifiers, the entity that is first to provide coverage up to the limit of that entity's plan.

• Supplemental insurer means, as between two potential insurers or indemnifiers, the entity that provides additional insurance, payments from which entity will only be considered after all other valid and collectible insurance provided by the primary insurer(s) has been exhausted.

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace emergency rules currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These rules respond to P.A. 90-548, effective January 1, 1998, which added Section 2-3.124 to the School Code. This new law requires the State Board of Education to provide, or arrange to have provided, liability coverage for each paid certificated person employed by an educational board (primarily school boards), beginning with the 1998-99 school year. The coverage is to be provided at no cost to the certificated employee.

The rules provide for:

- coverage by a contractor identified through a Request for Proposals process;
- inclusion of civil liability and criminal-related coverage, including assault-related personal property damage;
- establishment of limits of coverage, as outlined in Section 2-3.124 of the School Code;
- recognition of coverage provided pursuant to Section 2-3.124 as supplemental; and
- notification by the State Board of Education to all educational boards of the availability of the coverage, with boards, in turn, notifying their certificated employees.

16) Information and questions regarding these adopted rules shall be directed to:

Roger David  
Assistant Legal Advisor  
Illinois State Board of Education  
100 North First Street, W-475  
Springfield, Illinois 62777-0001  
217/782-5270

The full text of the adopted rules begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 56

## INSURANCE FOR CERTIFICATED EMPLOYEES

## Section

- 56.10 Definitions for This Part
- 56.20 Coverage Subject to Appropriation
- 56.30 Section 2-3.124 Carrier
- 56.40 Extent of Coverage Generally
- 56.50 Civil Liability Insurance Coverage
- 56.60 Criminal-Related Insurance Coverage
- 56.70 Limits of Coverage and Recourse
- 56.80 Information about Insurance Coverage
- 56.90 Effective Date of Coverage
- 56.100 Relationship to Insurance Law and Regulation
- 56.110 Relationship to Policy Language
- 56.120 Construction and Severability of Rules

AUTHORITY: Implementing and authorized by Section 2-3.124 of the School Code [105 ILCS 5/2-3.124].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 9580, effective May 22, 1998, for a maximum of 150 days; new Part adopted at 22 Ill. Reg. 19753, effective NOV 2 1998.

## Section 56.10 Definitions for This Part

"Assault-related personal property damage" means damage to or destruction of the certificated employee's personal property, or other people's personal property when being used by the certificated employee, or in the certificated employee's care, custody or control, which is caused by an assault upon the certificated employee on or surrounding school property or while away from school property on an authorized school activity to the extent that such damages exceed the coverage provided by any coverage other than the assault-related coverage under Section 2-3.124 of the School Code [105 ILCS 5/2-3.124]. "Assault" as used in the phrase "assault-related property damage" means a physical attack on the certificated employee or an assault and/or battery upon the certificated employee as defined by relevant criminal law.

"Certificated employee" does not refer to any person who is, or functions as, a bona-fide independent contractor but refers to any

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## person:

who receives a salary or wages in exchange for performing educational employment activities on behalf of a school board, board of trustees, joint agreement program board that oversees an educational program, cooperative program board that oversees an educational program, or similar governing body of a public elementary or secondary education unit (Section 2-3.124 of the School Code);

whose position of employment requires, by law and not merely by the employer, a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]; and

whose position of employment requiring certification is within Illinois.

"Civil liability insurance coverage" refers to coverage that:

is provided through an insurance carrier under contract with the Illinois State Board of Education;

is made available pursuant to Section 2-3.124 of the School Code; provides, at the applicable limits stated in this Part, the following insurance protection for certificated employees:

civil liability for specified claims other than claims related to civil rights issues, and

civil liability claims related to civil rights issues; and

is further defined, specified and limited in this Part.

"Criminal-related insurance coverage" refers to coverage that:

is provided through an insurance carrier under contract with the Illinois State Board of Education;

is made available pursuant to Section 2-3.124 of the School Code; provides, at the applicable limits stated in this Part, the following insurance protection for certificated employees:

reimbursement of attorneys' fees for defense of a criminal proceeding,

bail bond, and



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assault-related personal property damage; and

is further defined, specified and limited in this Part.

"Educational board" refers to a school board, board of trustees, joint agreement program board that oversees an educational program, cooperative program board that oversees an educational program, or similar governing body of a public elementary or secondary education unit (Section 2-3.124 of the School Code). To be within the definition of an educational board, the entity must be located within Illinois and employ one or more persons in positions that require a certificate issued pursuant to Article 21 of the School Code. The term "educational board" does not include the Illinois State Board of Education.

"Insurance carrier" or "carrier" refers to a non-governmental entity that may legally provide in Illinois any or all categories of insurance coverage specified in Section 2-3.124 of the School Code.

"Primary insurer" means, as between two potential insurers or indemnifiers, the entity that is first to provide coverage up to the limit of that entity's plan.

"School year" refers to that period beginning in or around late August when schools with grades between kindergarten and 12 are in regular session, with students attending. "End of the school year," unless otherwise indicated in this Part, refers to the last day of the school year, in or around late May, when school lets out.

"Section 2-3.124 carrier" refers to an insurance carrier that is under contract with the Illinois State Board of Education to provide insurance pursuant to Section 2-3.124 of the School Code.

"Section 2-3.124 coverage" refers to the combination of the "civil liability insurance coverage" and the "criminal-related insurance coverage," as these terms are defined in this Part.

"Supplemental insurer" means, as between two potential insurers or indemnifiers, the entity that provides additional insurance, payments from which entity will only be considered after all other valid and collectible insurance provided by the primary insurer(s) has been exhausted.

**Section 56.20 Coverage Subject to Appropriation**

Section 2-3.124 coverage shall be made available by the State Board of Education, as funds for this purpose are appropriated by the General Assembly. Assuming funds are appropriated, the premium for this coverage shall be paid by

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the State Board.

**Section 56.30 Section 2-3.124 Carrier**

a) Subject to the availability of funds, the State Board of Education shall, at least once every three years, issue a Request for Proposals ("RFP") to solicit bids from eligible insurance carriers to make available to certificated employees the insurance coverages specified in Section 2-3.124 of the School Code and this Part.

b) The RFP shall identify information that bidders must include in their bids and shall require that bids be submitted to the State Board no later than the date specified in the RFP.

c) If the State Board determines that the best interests of the State of Illinois would be served, the State Board may require that bidders submit proposals, or alternate proposals, calling for certificated employees to submit applications to accept Section 2-3.124 coverage. In making this determination, the State Board shall consider the cost in terms of time and money associated with requiring, and not requiring, such application.

**Section 56.40 Extent of Coverage Generally**

Coverage under Section 2-3.124 of the School Code shall consist solely of "civil liability insurance coverage" and "criminal-related insurance coverage," as these two terms are specified, limited and defined in this Part.

a) With the exception of coverage for assault-related property damage, Section 2-3.124 coverage shall extend only to actions or non-actions, including negligence, committed by the certificated employee while actively engaged in his or her capacity as a certificated employee and while employed by an educational board.

b) Section 2-3.124 coverage for assault-related property damage shall extend only to assaults upon the certificated employee while actively engaged in his or her capacity as a certificated employee and while employed by an educational board.

c) Section 2-3.124 coverage, once established through a Section 2-3.124 carrier, shall extend through periods when school is not scheduled to be in session, including summers and other breaks, but only to the extent that a covered action or non-action was committed within the scope of employment with an educational board.

d) Section 2-3.124 coverage shall not extend to any action or non-action, including negligence, committed during any period of time when the insured person would not have been within the scope of the "certificated employee" definition, as set forth in Section 56.10 of this Part.

1) A person shall not be considered a "certificated employee," as defined in this Part, until that person has actually begun to work for the educational board, regardless of the existence of a commitment to be hired in the future.

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- 2) A certificated employee who has been given notice of lay-off, reduction in force or dismissal shall no longer be covered by Section 2-3.124 coverage after the effective date of such notice or, if no effective date is stated in the notice, after the last day of the school year of the educational board by which that person is employed.
- e) No Section 2-3.124 coverage shall apply to any certificated employee who has not accepted such coverage in accordance with terms of the insurance policy issued by the Section 2-3.124 carrier. If affirmative acceptance of coverage is required through application or other means, notice of that requirement shall be included with information published pursuant to Section 56.80 of this Part.

**Section 56.50 Civil Liability Insurance Coverage**

- a) Civil liability insurance coverage shall extend only to the following civil liability claims and suits, including legal defense thereof:
  - 1) civil rights damage claims and suits;
  - 2) constitutional rights damage claims and suits;
  - 3) death and bodily injury claims and suits; and
  - 4) property damage claims and suits, including any civil claim or suit arising from assault-related property damage.
- b) Such civil liability insurance coverage shall not cover any categories of claims outside of those listed in subsection (a) of this Section and shall not extend to any injury or damage claims or suits that are not in the nature of tort.
- c) School boards are regarded as having a duty under Section 10-20.20 of the School Code [105 ILCS 5/10-20.20] to indemnify their employees, including certificated employees.
  - 1) No Section 2-3.124 carrier, by virtue of any Section 2-3.124 coverage, shall have any obligation to insure the school board's duty to indemnify under Section 10-20.20 of the School Code.
  - 2) The civil liability insurance coverage provided pursuant to the duty of indemnification under Section 10-20.20 of the School Code, and in no case shall the Section 2-3.124 carrier be regarded as other than a supplemental insurer with respect to those certificated employees employed by educational boards subject to Section 10-20.20 of the School Code.
  - 3) Civil liability insurance coverage provided pursuant to Section 2-3.124 shall be supplemental to any insurance coverage provided pursuant to Section 10-22.3 of the School Code.
- d) If there exists any coverage or indemnification other than that provided pursuant to Section 2-3.124 of the School Code, whether or not such other coverage or indemnification is pursuant to Section 10-22.3 or 10-20.20 of the School Code, respectively, the Section 2-3.124 carrier shall be regarded only as a supplemental insurer.

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**Section 56.60 Criminal-Related Insurance Coverage**

- a) Criminal-related insurance coverage shall not cover any categories of claims outside of those listed specifically within the definition of "criminal-related insurance coverage" in Section 56.10 of this Part and shall not cover any fines levied by any court.
- b) Coverage for assault-related personal property damage does not apply to damage or destruction of a vehicle of any kind, or to damage to or destruction of property leased to, or owned or rented by, an educational board.
- c) Proof of an assault shall be a report of the incident to the appropriate law enforcement agency as soon as practicable.
- d) If there exists any coverage for the criminal acts or non-acts of, or upon, the certificated employee other than that provided pursuant to Section 2-3.124 of the School Code, the Section 2-3.124 carrier shall be regarded only as a supplemental insurer with respect to the criminal-related insurance coverage.

**Section 56.70 Limits of Coverage and Recourse**

- a) Limits on civil liability insurance coverage shall not exceed an aggregate maximum of \$3,000,000 per single occurrence, subject to the following additional limitations:
  - 1) For all civil liability claims other than those involving any civil rights issue or claim, the civil liability insurance coverage shall be limited to a maximum of \$1,000,000 per person suffering damages from the certificated employee's action or non-action.
  - 2) For those civil liability claims involving any civil rights issue or claim, the civil liability insurance coverage shall be limited to a maximum of \$500,000 per occurrence per person whose civil rights were violated by the certificated employee's action or non-action.
- b) Limits on criminal-related insurance coverage provided pursuant to Section 2-3.124 shall be as follows:
  - 1) Reimbursement of attorneys' fees for defense of a criminal proceeding shall be limited to a maximum of \$35,000.
    - A) All legal defense work in the certificated employee's behalf that relates to investigations, charges, motions, hearings, prehearings, trials, conferences, appeals and other actions or activity, and that stems from the same body of facts shall be regarded as one criminal proceeding.
    - B) The \$35,000 maximum shall apply only to the sum total of fees of all attorneys who provide criminal defense legal services to the certificated employee, following that employee's arrest or service with a formal notice of a criminal charge against him or her. Attorneys' fees shall include only the fees for one or more attorneys who actually



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information about particulars of the insurance provided by the Section 2-3.124 carrier should be directed to the carrier and not to the certificated employee's employer or to the State Board of Education.

- b) If the Section 2-3.124 carrier makes available other additional coverage with increased limits of coverage that can be purchased by the certificated employee, the carrier shall inform the certificated employee that he or she is under no obligation to apply for or purchase any additional coverages or increased limits.

**Section 56.90 Effective Date of Coverage**

No Section 2-3.124 coverage shall be effective prior to the beginning of the 1998-99 school year, as defined in Section 56.10 of this Part, and in no instance shall the coverage be effective prior to 7 a.m., August 14, 1998.

**Section 56.100 Relationship to Insurance Law and Regulation**

Nothing in this Part is intended to be construed or implemented in violation of any applicable State or federal insurance law or regulation.

**Section 56.110 Relationship to Policy Language**

In the event of any conflict between this Part and any policy of insurance issued by any Section 2-3.124 carrier pursuant to Section 2-3.124 of the School Code, the language of this Part shall prevail to the extent permitted by Section 56.100 of this Part.

**Section 56.120 Construction and Severability of Rules**

If any provision of this Part or application thereof to any entity, person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application, and to this end the provisions of this Part are declared to be severable.

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provide criminal defense legal work for the certificated employee. Expenses or fees for private investigative services or for expert witnesses shall not be covered or regarded as attorneys' fees.

- 2) Bail bond coverage shall be limited to a maximum of \$1,000 per criminal proceeding, as the term "criminal proceeding" is used in subsection (b)(1)(A) of this Section.
- 3) Coverage for assault-related personal property damage shall be limited to \$250 per incident.
- c) Nothing in this Part shall preclude any insurance carrier from offering other separate coverage to certificated employees that would have increased limits of coverage or additional coverage and for which the employee would pay a premium.
- d) There shall be no recourse against the State Board or the State of Illinois because of any action or non-action of, upon or against a certificated employee. Recourse shall be against parties including, but not necessarily limited to, those in the following list:
  - 1) the certificated employee;
  - 2) the educational board, if the educational board is subject to Section 10-20.20 of the School Code;
  - 3) any insurance carrier, company or broker providing coverage pursuant to Section 10-22.3 of the School Code;
  - 4) any insurance carrier, company or broker providing coverage applicable to the employee's action or non-action but not provided pursuant to any section of the School Code;
  - 5) any other defendant; and
  - 6) any Section 2-3.124 carrier.

**Section 56.80 Information about Insurance Coverage**

- a) Once the State Board has contracted with a Section 2-3.124 carrier to make Section 2-3.124 coverage available, the State Board shall generally publicize the fact that such coverage is in place.

- 1) Inclusion of the above-required publication in one or more general mailings or newsletters of the State Board to the educational boards contained in the State Board's mailing list(s) shall be regarded as satisfying this requirement of general publication. This publication may be included with other information or documents from the State Board.

- 2) An educational board that has received or been made aware of the publication referenced in subsection (a)(1) of this Section shall:

- A) disseminate the information provided in this publication to all of its certificated employees and shall post the information in one or more locations where it is likely to remain and be seen by all of the educational board's certificated employees; and
- B) inform certificated employees that requests for additional

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reading Improvement Program
- 2) Code Citation: 23 Ill. Adm. Code 260
- 3) Section Number:

260.10	Adopted Action:
260.20	Repeal
260.30	Amendment
260.40	Amendment
260.50	Amendment
260.60	Repeal
260.70	Amendment
260.80	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.51
- 5) Effective Date of Rules: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 10, 1998; 22 Ill. Reg. 12435

- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 260.50(b), the phrase "thirty (30)" was changed to "30".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

P.A. 90-548, enacted in December, made changes in the purposes for which funds under Section 2-3.51 of the School Code could be used and prescribed several changes in the process for submitting applications and receiving funds. Instead of being limited to personnel, books, and materials, the law now permits these funds to be used for a variety of strategies

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targeted at improving students' reading skills, such as reducing class size and providing additional direct reading instruction, as well as for training and re-training of teachers in grades kindergarten through 3 in the teaching of reading. The law also now requires demonstration of progress in students' reading achievement in order for recipients to be eligible for continued funding after the first two years of the program.

Changes have been made throughout Part 260 to remove language that has become obsolete and to reflect the way in which this program will now operate. The rules outline a very brief application form that eligible recipients will use beginning with Fiscal Year 1999 and call for an annual report on the effects of the program, to enable the State Board in turn to comply with its obligation to report to the General Assembly.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Terry Nunn  
 Address: Illinois State Board of Education  
 100 North First Street  
 Springfield, Illinois 62777-0001  
 Telephone: (217) 782-3810

The full text of the Adopted Amendments begins on the next page:



## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER g: SPECIAL COURSES OF STUDY

## PART 260

## READING IMPROVEMENT PROGRAM

Section	
260.10	Definitions (Repealed)
260.20	Purpose
260.30	Eligible Applicants
260.40	Allowable Expenditures
260.50	Procedure and Criteria for Approval of Applications
260.60	Allocation of Funds (Repealed)
260.70	Distribution of Grant Awards
260.80	Reporting

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended 19763, Reg. 14196, effective September 8, 1992; amended at 22 Ill. Reg. 19763, effective OCT 30 1998.

## Section 260.10 Definitions (Repealed)

"Aides" means noncertificated personnel employed in the manner provided in 23--Ill--Adm--Code--1:630--(Public--Schools--Evaluation--Recognition--and--Supervision)--and--for--the--purposes--authorized--in Section 2-3.51 of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 2-3.51).

"Books" means items such as library books, textbooks and periodicals provided that they are an integral part of the district's reading and/or study skills improvement program.

"Other Personnel" means those individuals other than reading specialists and teacher aides providing instructional and other services integral to the district's reading and/or study skills improvement program.

"Other printed materials" means items such as reading kits, filmstrips and other audio-visuals and instructional software specifically designated for use in a district's reading and/or study skills improvement program.

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"Reading Specialist" means a teacher whose major teaching assignment is reading and who is qualified according to the requirements of 23--Ill--Adm--Code--1:740--(Public--Schools--Evaluation--Recognition--and--Supervision)--or--who--possesses--a--special--certificate--endorsed--for--teaching--reading--in--accordance--with--the--requirements--of--23--Ill--Adm--Code--25:40--(Certification).

"Study Skills" means those strategies and techniques that help a person acquire knowledge and skill for a specific purpose. Study skills commonly include the ability to follow directions, locate, select, and organize and retain information, and interpret narrative graphic and other forms of information. 19763

(Source: Repealed at 22 Ill. Reg. 19763, effective OCT 30 1998.)

## Section 260.20 Purpose

This Part establishes the procedure and criteria for submission and approval of applications for Reading Improvement block grant funds pursuant to assistance in providing reading and/or study skills improvement programs in grades K-6, as authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

(Source: Amended 22 Ill. Reg. 19763, effective OCT 30 1998.)

## Section 260.30 Eligible Applicants

Eligible applicants are public elementary and unit school districts and public university laboratory schools providing instruction in grades K-6. Commencing with Fiscal Year 2001, eligible applicants shall be only those that have made performance progress as required by Section 2-3.51 of the School Code.

(Source: Amended at 22 Ill. Reg. 19763, effective OCT 30 1998.)

## Section 260.40 Allowable Expenditures

a) Allowable expenditures consist of expenditures attributable to the purposes enumerated for reading specialists, teacher aides and other personnel and for the acquisition of books and other printed materials to the extent provided in subsection (a-5) of Section 2-3.51 of the School Code and this Part.

b) The State Board of Education is authorized to help meet a district's cost of employing reading specialists, provided that no school district shall be eligible to receive payment for more than one reading specialist for each 15 certificated teachers or major full-time equivalent portion thereof, employed by the district for classroom teaching of pupils in kindergarten through grade six.

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- c) ~~The State Board of Education is authorized to help meet a district's cost of employing teacher aides; provided that no school district shall be eligible to be paid under this Section for more than one teacher aide for each 3 certificated teachers employed by the district for classroom teaching of pupils in kindergarten through grade six (Section 2-3.51 of the School Code);~~
- d) ~~Each person employed as a teacher aide pursuant to this Part must work under the supervision of a certificated teacher and, as a condition precedent to that employment, either shall have earned at least 30 semester hours of college credit or shall have successfully completed a Teacher Aide Program at an institution approved by the State Board of Education pursuant to 23-III-Adm. Code 25.548 (Certification);~~

(Source: Amended 22 Ill. Reg. 19763, effective OCT 30 1998)

## Section 260.50 Procedure and Criteria for Approval of Applications

- a) The State Board of Education shall provide application forms and shall notify each eligible applicant of the maximum amount of its entitlement pursuant to Section 2-3.51 of the School Code. Each application form shall set forth the applicant's most recent available scores on the reading portion of the State assessment required pursuant to Section 2-3.64 of the School Code and shall require the applicant to provide: ~~Eligible applicants must submit a completed application on forms provided by the State Board of Education which will include:~~

- 1) a total grant request equal to or less than the amount for which the applicant is eligible in accordance with Section 2-3.51 of the School Code;
- 2) assurance that the applicant will comply with the provisions of Section 2-3.51 of the School Code and this Part; and
- 3) information identifying the purposes for which the applicant plans to use the funds provided pursuant to this Part describing the local school district's proposed program including program goals, objectives, and activities, and a proposed evaluation procedure designed to assess student reading and/or study skills improvement achieved through the program; and 4) a detailed budget and budget summary of proposed expenditures eligible under Section 2-3.51 of the School Code; and this Part, including salaries, employee benefits, purchased services, and supplies and materials.

- b) Applications must be submitted to the State Board of Education by the date specified on the form. This date will be determined so that all eligible applicants districts will have at least thirty (30) days to complete and submit the form. An applicant's ~~A school district's~~ failure to comply with this requirement will delay its receipt of program assistance pursuant to Section 260.70 of this Part.

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- c) Information provided in the application ~~required in Section 260.50(a)~~ will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.51 of the School Code and this Part.
- d) State Board staff shall notify ~~will send a written notice to~~ applicants ~~of specifying~~ any requested information that is missing from the application. An application shall not be approved for funding until it is complete.
- e) ~~The State Superintendent of Education will approve applications that demonstrate compliance with Section 2-3.51 of the School Code and this Part except that the State Superintendent shall invoke subsection (d) of this Section with respect to any requested information that is missing from any such application submitted for final approval.~~

(Source: Amended 22 Ill. Reg. 19763, effective OCT 30 1998)

## Section 260.60 Allocation of Funds (Repealed)

~~The State Superintendent of Education shall determine the amount of individual grant awards on the basis of the criteria contained in Section 2-3.51 of the School Code.~~

(Source: Repealed at 22 Ill. Reg. 19763, effective OCT 30 1998)

## Section 260.70 Distribution of Grant Awards

Distribution of grant awards ~~to local school districts~~ shall be made on or before the dates specified in Section 2-3.51 of the School Code, provided that ~~complete~~ applications have been received by the State Board of Education by the date specified on the application form.

(Source: Amended 1998 22 Ill. Reg. 19763, effective OCT 30 1998)

## Section 260.80 Reporting

In order to permit compliance with subsection (a-15) of Section 2-3.51 of the School Code, recipients of funds under this program shall annually report to the State Board of Education, on a form supplied by the State Board, regarding their uses of the funds provided and the results achieved in terms of improving the reading skills of students in grades kindergarten through six. Annual reports shall address such areas as:

- a) the numbers of students served;
- b) the numbers of teachers involved;
- c) any transitional grades created;
- d) the impact of reductions in class size; and



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e) the nature of staff development provided.

(Source: Added at 22 Ill. Reg.

00-24-1998)

19769

effective

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1) Heading of the Part: School Technology Program

2) Code Citation: 23 Ill. Adm. Code 575

3) Section Number: Adopted Action:

575.10 Amendment

575.100 New Section

575.200 New Section

575.300 New Section

575.400 New Section

575.500 New Section

575.600 New Section

575.700 New Section

4) Statutory Authority: 105 ILCS 5/2-3.117a

5) Effective Date of Rules: November 2, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 9464; June 5, 1998

10) Has JCAR issued a Statement of Objections to adopted amendments? No

11) Difference(s) between proposed and final version: No changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? JCAR did not issue an agreement letter.

13) Will this amendment replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: P.A. 90-548, effective January 1, 1998, created a revolving loan fund for school technology purposes. Starting with the 1998-1999 school year, the State Board is authorized to make loans available to school districts with certain grade levels in each year of the program to be used for "technology hardware investments for

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students and staff."

These rules define eligible expenditures, set a maximum amount per pupil in the eligible grade levels that can be requested by a school district, and provide for application procedures. The rules stipulate that the loan period for each fiscal year will be from July 1 through March 1. The rules limit a single loan request to \$6 million or less per year and state that a school district can only receive approval for one loan per year.

- 16) Information and questions regarding these adopted amendments shall be directed to:

• Eugene Finley, Division Administrator  
Technology Outreach  
Illinois State Board of Education  
100 North First Street, W-370  
Springfield, Illinois 62777-0001  
(217) 782-5439

The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER O: MISCELLANEOUS

PART 575

SCHOOL TECHNOLOGY PROGRAM

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section	Purpose
575.10	Eligible Expenditures
575.20	Application Procedure and Content
575.30	Matching Requirements
575.40	Proposal Review and Approval
575.50	Terms of the Grant

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section	Purpose
575.100	Use of Funds
575.200	Maximum Amount of Loan
575.300	Application Procedures
575.400	Review of Application and Notification of Loan Award
575.500	Repayment Procedures
575.600	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 959, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective ~~NOV 2 1998~~ **NOV 2 1998**.

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

## Section 575.10 Purpose

This Subpart Part establishes the procedures and criteria for approval of applications for funding submitted by school districts pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117] (~~see--P.A.--89-217--effective duty-17-1995~~).

(Source: ~~NOV 2 1998~~ **NOV 2 1998** at 22 Ill. Reg. **19770**, effective



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## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section 575.100 Purpose

This Subpart establishes the procedures and criteria for applications submitted by school districts pursuant to the School Technology Revolving Loan Program established by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

(Source: Added at 22 Ill. Reg. 19770, effective NOV 2 1998)

## Section 575.200 Use of Funds

Funding is available under the School Technology Revolving Loan Fund for technology hardware investments for students and staff (Section 2-3.117a of the School Code). These items include, but are not limited to:

- Expenditures for the establishment of local and wide area networks (e.g., cabling from network server to other areas, termination supplies, cable testers, patch panels) and for network hardware (e.g., switches, servers, hubs, modems, network adapter cards, transceivers, surge protection, uninterruptible power systems, network administration software);
- Supplies and the cost of labor for electrical work directly related to technology (e.g., wiring, conduit, boxes, receptacles, switches, cover plates, distribution panels and breakers);
- Hardware necessary for classroom instruction and staff development (e.g., computers, monitors, keyboards, mice, printers, network adapters, software and licenses for applications that are used in the classroom or for staff development purposes); and
- Other technology hardware investments directly related to classroom instruction or staff development (e.g., scanners, projectors, LCD panels, digital cameras, camcorders).

(Source: Added at 22 Ill. Reg. 19770, effective NOV 2 1998)

## Section 575.300 Maximum Amount of Loan

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels as reflected in the Fall Enrollment and Housing Report for the immediately preceding year. A school district may request a loan amount that does not exceed \$150 per pupil in the eligible grade levels plus a base amount of \$25,000; however, no single loan in a given fiscal year shall exceed \$6,000,000.

(Source: NOV 2 1998, 22 Ill. Reg. 19770, effective 19770)

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## Section 575.400 Application Procedures

- The State Board of Education shall distribute application forms to all eligible school districts, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education any time between July 1 and March 1 of the fiscal year in which loans will be made.

b) Each application for a loan shall include the following information:

- A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;
  - The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;
  - A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the district's board of education authorizing submission of the loan application; and
  - Such assurances and certifications as the State Board of Education may require, to include at least the following:
    - that the loan proceeds shall be used in the grade levels specified on the application; and
    - that the district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part).
- c) Each loan application shall bear an original signature of the district superintendent and shall be sent to the State Board of Education as specified on the application form within 30 calendar days following the local board of education's approval. Applications addressed other than as specified on the application form shall not be processed.
- d) School districts are limited to one approved loan per fiscal year.

(Source: Added at 22 Ill. Reg. 19770, effective NOV 2 1998)

## Section 575.500 Review of Application and Notification of Loan Award

- Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 15 calendar days following receipt of the application. Applications will not be processed until all requested information is received.
- All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section, as long as funds appropriated for a given fiscal year remain available.

- Loan award determinations shall be made on September 15, December

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15 and March 15 of each fiscal year.

2) Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the lowest equalized assessed valuation per pupil by type of district shall be funded first.

A) Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.

B) The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests for each district type to the total amount of all pending loan requests.

C) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.

c) Notification of a loan award shall be made no later than 15 days following the award determination dates established in subsection (b)(1) of this Section. Applications not funded on or before March 15 of the fiscal year in which the application was made shall expire.

d) Applications received after the March 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.

e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

(Source: Added at 22 Ill. Reg. NOV 2 1998 effective 19770)

## Section 575.600 Repayment Procedures

a) Loans shall be repaid within three years (Section 2-3. 117a of the School Code).

1) The rate of interest shall be stipulated on the loan application and shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of *The Bond Buyer*, published in New York, New York (Section 2-3.117a(a) of the School Code). Interest shall be compounded quarterly.

2) Payments on the loan (principal and interest) shall be made by check on a quarterly basis in 12 equal installments.

A) Loan payments shall be due on the last day of each quarter (i.e., December 31, March 31, June 30 and September 30), with the first payment under each loan due on the second due date following receipt of the loan.

B) Checks shall be made payable to the "ISBE-School Technology

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Revolving Loan Fund" and mailed to the Fiscal Services Division, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001.

C) Payments not received within 15 days after the due date shall be assessed a penalty of 5 percent of the payment due.

3) A school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Added at 22 Ill. Reg. NOV 2 1998 effective 19770)

## Section 575.700 Terms and Conditions of Loan Agreement

a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. Loan proceeds shall be obligated no later than six months following receipt of the loan.

b) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110).

c) Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].

d) In the event of default that is not cured within 90 days, the State Board of Education shall deduct the amount owed from the district's next payment of general state aid, and the district shall be ineligible for additional loans until good standing has been restored.

(Source: Added at 22 Ill. Reg. NOV 2 1998 effective 19770)



## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Temporary Relocation Expenses

2) Code Citation: 23 Ill. Adm. Code 145

3) Section Number:  
 145.10      Adopted Action:  
             Amendment  
 145.20      Amendment  
             Amendment  
 145.30      Repeal  
 145.40      Amendment  
 145.50      New Section  
 145.60      Repeal  
 145. Table A

4) Statutory Authority: 105 ILCS 5/2-3.77

5) Effective Date of Rules: October 30 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:  
 May 8, 1998; 22 Ill. Reg. 7843

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will these amendments replace emergency amendments currently in effect?  
 No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

These amendments respond to P.A. 90-464, which was enacted in August of 1997 and amended Section 2-3.77 of the School Code dealing with temporary relocation expenses.

School districts which experience certain "qualifying events" have been

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eligible to receive state funds to offset their related expenses. Until passage of the new law, those funds took the form of loans. One aspect of P.A. 90-464 was to expand the list of qualifying events to include other natural or man-made disasters or condemnation of school buildings. Another important addition was to make available grants that will not require repayment, for use when districts forecast expenses in excess of the insurance proceeds and tax revenues they can expect to realize.

These amendments contain provisions permitting districts to apply for both loan and grant funds in one combined application and describing the required content of those applications. Other changes update references and remove some of the existing rules' prescriptiveness.

16) Information and questions regarding these adopted amendments shall be directed to:

Nona Myers  
 Illinois State Board of Education  
 100 North First Street  
 Springfield, Illinois 62777-0001  
 (217) 785-8779

The full text of the Adopted Amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER 1: STATE BOARD OF EDUCATION

## SUBCHAPTER c: FINANCE

## PART 145

## TEMPORARY RELOCATION EXPENSES

## Section

145.10	Definitions
145.20	General Requirements
145.30	Allowable Expenses
145.40	Documentation (Repealed)
145.50	Accounting Requirements
145.60	Determination of Loan and Grant Amounts

## TABLE A Accounting Entries (Repealed)

AUTHORITY: Implementing and authorized by Section 2-3.77 of the School Code [105 ILCS 5/2-3.77] (see P.A. 90-464, effective August 17, 1997).

SOURCE: Adopted Ill. Reg. 15060, effective August 28, 1986; amended at 22 Ill. Reg. 1977, effective OCT 30 1998.

## Section 145.10 Definitions

"Expenses" means the costs incurred by the board of education directly responsible for implementing the temporary relocation. Expenses shall be paid on a reimbursable basis subject to audit by the State Board of Education in accordance with Section 2-3.32 of the School Code [105 ILCS 5/2-3.32] (Ill. Reg. Stat. 1985, ch. 122, par. 2-3.32) and this Part the rules contained herein.

"Qualifying event" means the destruction of a building as a result of fire, earthquake, tornado, other natural or man-made disaster, or condemnation pursuant to Section 3-14.22 of the School Code.

"Relocation" means the movement of students, equipment necessary for temporary relocation purposes, personnel, and records to a facility other than that to which they were previously assigned, as a result of a fire, earthquake, or tornado, other natural or man-made disaster, or condemnation pursuant to Section 3-14.22 of the School Code [105 ILCS 5/3-14.22] relocation--also--includes the subsequent movement to a permanent facility.

"Temporary" means persisting only that period of time commencing from the occurrence of a fire, earthquake, or tornado that results in the destruction of an attendance center thus requiring the removal of

## STATE BOARD OF EDUCATION

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Students--to--another location--for educational purposes, from the date of the qualifying event until such time as permanent facilities are available for those students who have been displaced, as determined by the regional superintendent of schools responsible for the affected school district.

(Source: Amended at 22 Ill. Reg. 1977, effective OCT 30 1998.)

## Section 145.20 General Requirements

- a) The school board of a district making initial application for a temporary relocation expense loan or grant shall adopt and submit to the State Board of Education along with its application:
  - 1) a resolution levying the tax provided for by Section 17-2.2c of the School Code [105 ILCS 5/17-2.2c] at the maximum rate permitted thereunder, in order to repay the State of Illinois for funds received pursuant to this Part, and agreeing to submit the levy proceeds to the State Board within thirty days after their receipt by the district; and
  - 2) a resolution encumbering all insurance proceeds payable to the district for relocation expenses for the affected facility and providing that such proceeds shall be paid to the State Board of Education within thirty days after their receipt by the district.
- b) Each application shall indicate:
  - 1) whether the application is for a loan, a grant, or both;
  - 2) the date and nature of the qualifying event leading to the application;
  - 3) that the school board has adopted a plan to house the displaced students permanently;
  - 4) the time required to effect the permanent solution described in the plan;
  - 5) an estimate of the necessary temporary relocation expenses to be incurred and a description of the necessity for them;
  - 6) an estimate of the amount of insurance proceeds to be received;
  - 7) an estimate of the amount of funds that can be raised through the levy of the tax called for in Section 17-2.2c of the School Code; the amount which the district does not expect to be able to repay to the State Board of Education from funds realized under subsections (b)(6) and (7) and for which an outright grant is requested, if any; and
  - 9) an agreement to comply with Section 2-3.77 of the School Code and this Part and to authorize the State Board of Education to deduct from the district's general State aid any amount owed to the State Board under this Part which is in default.
- c) Applications shall be considered on a first come, first served basis as long as funds remain available. Districts otherwise eligible but not receiving a loan or grant due to insufficiency of the



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appropriation shall receive first consideration in the subsequent fiscal year.

a) Temporary relocation expenses allocated by the State Board of Education shall not exceed the amount appropriated by the General Assembly for the purposes of Section 2-3.48 of the School Code (Ill. Rev. Stat. 1985, ch. 122, par. 2-3.48). When the money appropriated by the General Assembly in any fiscal year is not sufficient to cover the sum of the approvable requests for temporary relocation expenses during that fiscal year, the State Board of Education shall make a pro rata allocation of the appropriation.

b) A school district making application for temporary relocation expenses shall adopt and submit to the State Board of Education a resolution authorizing a levy at the maximum rate permitted under Section 17-2.2c of the School Code (Ill. Rev. Stat. 1985, ch. 122, par. 17-2.2c) and further stating that the proceeds of such levy shall be paid to the State Board of Education according to the terms specified in Section 2-3.48 of the School Code and within thirty (30) calendar days of their receipt.

c) A school district making application for temporary relocation expenses shall also adopt and submit to the State Board of Education a resolution encumbering all insurance proceeds payable to the district for relocation expenses as a result of the fire, earthquake, or tornado, and providing that such proceeds shall be paid to the State Board of Education according to the terms specified in Section 2-3.48 of the School Code and within thirty (30) calendar days of their receipt.

d) The State Board of Education shall deposit payments received pursuant to subsections (c) and (d) of this Section in the General Revenue Fund of the State of Illinois following the distribution of money appropriated for the purpose of Section 2-3.48 of the School Code but in no case more than thirty (30) calendar days following the receipt of payments after the distribution of the appropriated moneys.

e) A school district's payments to the State Board of Education pursuant to subsections (c) and (d) of this Section shall not in the aggregate exceed the moneys distributed to the school district pursuant to Section 2-3.48 of the School Code and this Part.

(Source: Amended at 22 Ill. Reg. effective OCT 30 1998)

Section 145.30 Allowable Expenses

Allowable temporary relocation expenses include shall fall within one or more of the following categories:

a) Leases include contracts for the purpose of providing attendance centers for displaced students; for securing any necessary equipment for operating such attendance centers center; and for providing pupil transportation services to such the attendance centers

center.

b) Rental: Rental may include the items in subsection (a) of this Section when a rental agreement may be more advantageous to the school district than entering into a lease contract. For example, this may occur where the rental agreement covers a period of time that will be less than that obtainable through a lease contract.

c) Renovation of leased or rental educational facilities: Renovation expenses shall be allowed only to the extent necessary to bring a leased or rented facility into compliance with the applicable minimum requirements of the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) 23-111-Adm--Code--175--Efficient--and--Adequate Standards--for--the--Building--Specifications--for--the--Construction--of--Schools--or--185--Building--Specifications--for--Health--and--Safety--in--Public--Schools--as--applicable--to--the--facility.

d) Transportation: Transportation expenses shall be allowed only to the extent that they exceed the normal transportation expenses incurred by the district in the year immediately preceding the qualifying event occurrence of the fire, earthquake, or tornado.

e) Salaries: Salaries shall be allowed only to the extent that they exceed normal operating salaries of the school district in the year prior to the qualifying event occurrence and shall be documented as necessary for relocation.

f) Architect fees: Architect fees shall be allowed only to the extent that they are documented as necessary for planning, design, renovation, rehabilitation or construction for any replacement facility, nor for alteration of a damaged facility.

g) Attorney fees: Attorney fees shall be allowed only to the extent that they are documented as necessary for relocation, including for the extent such fees are necessary for the filing of the levy authorized by Section 17-2.2c of the School Code and the filing of any insurance claim arising out of a qualifying event from an occurrence arising under the provisions of Section 2-3.48 of the School Code; they shall be allowed.

h) Utilities: Utility expenses will be allowed only to the extent that they exceed the normal utility expenses of the school district in the year prior to the qualifying event occurrence necessitating the relocation.

i) Interest: Interest expense is allowable if incurred due to borrowing in anticipation of the receipt of funds pursuant to this Part.

j) Other expenses: A school district may apply for other expenses (e.g., insurance, equipment maintenance, sanitary services, property services, or supplies) only to the extent that they exceed the normal expenses of the school district in the year immediately preceding the qualifying event year and are documented as being directly necessitated by the cause for relocation.

(Source: Amended at 22 Ill. Reg. effective 1977)

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## Section 145.40 Documentation (Repealed)

Expenses--allowable--under--Section--140-30--of--this--Part--shall--be--documented--as--to--the--manner--in--which--they--relate--directly--to--temporary--relocation--expenses--Such--documentation--(e.g.--paid--invoices--cancelled--checks--or--school--board--resolutions--approving--payment)--shall--be--submitted--through--the--regional--superintendent--to--the--State--Board--of--Education--shall--include--evidence--of--bidding--procedures--used--where--applicable--under--Section--10-20-21--of--the--School--Code--(Ill. Rev. Stat. 1985, ch. 122, par. 10-20-21) and shall include proof of payment for all bills submitted by the school district.

(Source: Repealed at 22 Ill. Reg.

OCT 30 1998

19777, effective

## Section 145.50 Accounting Requirements

a) When money appropriated for temporary relocation expenses is received by a school district, the money shall be deposited in the fund(s) from which such expenses were or will be paid and shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110) prorated among the educational fund, the operations, building and maintenance fund (OB & M Fund), and the transportation fund, on the basis of the expenditures made from each fund (See Accounting Entry 1, Table A of this Part).

b) When insurance proceeds are received by the school district, they shall be recorded in the appropriate fund (See Accounting Entry 2, Table A).

c) When proceeds from the tax levied in accordance with Section 17-2-2 of the School Code are received, they shall be recorded in the appropriate fund (See Accounting Entry 3, Table A).

d) When repayments are made to the State of Illinois, each repayment shall be recorded in the proper fund (See Accounting Entry 4, Table A).

(Source: Amended at 22 Ill. Reg.

OCT 30 1998

19777, effective

## Section 145.60 Determination of Loan and Grant Amounts

a) The amount of each loan provided pursuant to this Part shall be based on allowable expenses identified in the district's application, the estimated insurance proceeds to be realized, and the yield from the tax levied as provided in this Part.

b) The amount of each grant provided pursuant to this Part shall be based on the amount by which allowable expenses identified in the application exceed the total of the estimated insurance proceeds and the yield of the tax over a seven-year period.

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19777

Reg.

Ill.

at 22

(Source: Added

OCT 30 1998

effective



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Section 145. TABLE A Accounting Entries (Repealed)

ACCOUNTING-ENTRIES-(See-23-ill-Adm-Code-110)	
Accounting-Entry-1:	
Br: 10-101	Cash-(Educational-Fund)
Cr: 20-420	Due-to-other-governmental-unit-(State--of Illinois)
Br: 20-101	Cash-(OB-&-M-Fund)
Cr: 20-420	Due-to-other-governmental-unit-(State-of Illinois)
Br: 40-101	Cash-(Transportation-Fund)
Cr: 40-420	Due-to-other-governmental-unit-(State--of Illinois)
Accounting-Entry-2:	
Br: 10-101	Cash-(Educational-Fund-if-applicable)
and/or 20-101	Cash-(OB-&-M-Fund-if-applicable)
and/or 40-101	Cash-(Transportation-Fund-if-applicable)
Cr: 10-1033	Compensation---for--loss--of--Assets--(if applicable)
and/or 20-1033	Compensation--for--loss--of--Assets---(if applicable)
and/or 40-1033	Compensation---for--loss--of--Assets--(if applicable)
Accounting-Entry-3:	
Br: 10-101	Cash-(Educational-Fund)
and/or 20-101	Cash-(OB-&-M-Fund)
and/or 40-101	Cash-(Transportation-Fund)
Cr: 10-1191	Other-Tax-Revenues
and/or 20-1191	Other-Tax-Revenues
and/or 40-1191	Other-Tax-Revenues
Accounting-Entry-4:	
Br: 10-420	Due-to-other-governmental-unit-(State--of Illinois)
Cr: 20-101	Cash-(Educational-Fund)
Br: 20-420	Due-to--other-governmental-unit-(State-of Illinois)
Cr: 40-101	Cash-(OB-&-M-Fund)
Br: 40-420	Due-to-other-governmental-unit-(State--of Illinois)
Cr: 40-101	Cash-(Transportation-Fund)

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(Source: Repealed at 22 Ill. Reg. 19777, effective OCT 30 1998)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.160	Amendment
121.162	Amendment
121.164	Amendment
121.177	New Section
121.179	New Section
121.184	Amendment
121.188	Amendment
121.220	Amendment
121.225	New Section
121.226	New Section
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12.4-6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendments: October 28, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 12, 1998 (22 Ill. Reg. 9654)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
  1. In the Table of Contents, "121.177 Illinois Work Component" was changed to "121.177 Illinois Works Component" and "121.255 Meeting the Work Requirement with the Illinois Work Component" was changed to "121.255 Meeting the Work Requirement with the Illinois Works Component".
  2. The Source Notes were updated.
  3. In Section 121.162(a)(8), a final period was added.

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4. In Section 121.177(b)(3), "component" was capitalized.
5. In Section 121.177(d)(2), "who" was changed to "that".
6. In Sections 121.177(d)(4) and (e)(5), "which" was changed to "that".
7. In Section 121.177(e)(10), an underlined comma was added after "employment".
8. In Section 121.179(d)(3) and (d)(4), "component" was capitalized.
9. In Section 121.179(d)(4), "which" was changed to "that".
10. In Section 121.184(c)(4), "and" was struck.
11. In Section 121.184(c)(5), the final period was struck and "; and" was added.
12. The Section heading for Section 121.220 was changed from "Workfare Components" to "Work Requirement Components".
13. In Section 121.225(b)(3), "component" was capitalized.
14. In Section 121.225(d)(2), "who" was changed to "that".
15. In Sections 121.225(d)(4) and (e)(5), "which" was changed to "that".
16. In Section 121.225(e)(10), an underlined comma was added after "employment".
17. In Sections 121.226(d)(3) and (d)(4), "component" was capitalized.
18. In Section 121.226(d)(4), "which" was changed to "that".
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendments currently in effect?  
Yes
- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.7	Amendment	22 Ill. Reg. 13264
121.22	Amendment	22 Ill. Reg. 13264



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121.57	Amendment	22 Ill. Reg. 13264
121.60	Amendment	22 Ill. Reg. 13264
121.61	Amendment	22 Ill. Reg. 13264
121.63	Amendment	22 Ill. Reg. 13264
121.64	Amendment	22 Ill. Reg. 13264
121.105	Amendment	22 Ill. Reg. 11671
121.120	Amendment	22 Ill. Reg. 13264

- 15) Summary and Purpose of Rule: These proposed amendments implement the Illinois Works Component and the JTPA Employability Services Component. This rulemaking will enable able-bodied adults without dependents (ABAWDs) to meet the work requirement of the Personal Responsibility and Work Opportunity Reconciliation Act (PRORA) of 1996 (P.L. 104-193). In addition, this rulemaking will enable the Department to provide additional services to ABAWDs while meeting the revised food stamp provisions of the recent Balanced Budget Act of 1997 (P.L. 105-34).

Illinois Works Component

The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training, and to assist them in finding jobs. This rulemaking provides that an individual will be expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential. The eligibility criteria, participation requirements, administration and contract provisions and the definition of a suitable Illinois Works position are established by these proposed amendments.

JTPA Employability Services Component

The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment and training, and to assist them in finding jobs. This rulemaking provides that an individual is expected to participate fully with all component requirements to maximize his or her employment potential. The eligibility criteria, participation requirements and administration and contract provisions are established by these proposed amendments.

Sanctions

As a result of these proposed amendments, failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, will result in a Transitional Assistance Sanction and/or food stamp disqualification.

Supportive Services

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Transportation expenses are eligible to be paid to permit participation in the Illinois Works and JTPA Employability Services. However, initial employment expenses will not be authorized for participants in Illinois Works and JTPA Employability Services.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772  
FAX: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs

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121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program



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121.120 Recertification of Eligibility  
121.130 Residents of Shelters for Battered Women and their Children  
121.131 Fleeing Felons and Probation/Parole Violators  
121.135 Incorporation By Reference  
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
121.150 Definition of Intentional Violations of the Program  
121.151 Penalties for Intentional Violations of the Program  
121.152 Notification To Applicant Households  
121.153 Disqualification Upon Finding of Intentional Violation of the Program  
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
121.160 Persons Required to Participate  
121.162 Participation and Cooperation Requirements  
121.164 Orientation  
121.166 Assessment and Employability Plan  
121.170 Job Search Component  
121.172 Basic Education Component  
121.174 Job Readiness Component  
121.176 Work Experience Component  
121.177 Illinois Works Component  
121.178 Job Training Component  
121.179 JTPA Employability Services Component  
121.180 Grant Diversion Component  
121.182 Earnfare Component  
121.184 Sanctions  
121.186 Good Cause for Failure to Cooperate  
121.188 Supportive Services  
121.190 Conciliation and Fair Hearings  
121.200 Types of Claims (Recodified)  
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
121.203 Collecting Claim Against Households (Recodified)  
121.204 Failure to Respond to Initial Demand Letter (Recodified)  
121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
121.206 Determination of Monthly Allotment Reductions (Recodified)  
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
121.208 Suspension and Termination of Claims (Recodified)

DEPARTMENT OF HUMAN SERVICES  
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SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section  
121.220 Work Requirement Workfare Components  
121.221 Meeting the Work Requirement with the Earnfare Component  
121.222 Volunteer Community Work Component  
121.223 Work Experience Component  
121.224 Supportive Service Payments to Meet the Work Requirement  
121.225 Meeting the Work Requirement with the Illinois Works Component  
121.226 Meeting the Work Requirement with the JTPA Employability Services

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective





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be required to participate in other Food Stamp Employment and Training activities;

- 2) exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in Earnfare. Receipt of food stamps is not an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of TANF children;
  - 3) all other nonexempt food stamp recipients not receiving TANF or Refugee Assistance;
  - 4) recipients of Transitional Assistance;
  - 5) nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and
  - 6) individuals who are homeless.
- b) Those individuals exempt from the Food Stamp Employment and Training program are those individuals who are (however, individuals may volunteer to participate):
- 1) under age 18 or over age 50;
  - 2) medically certified as physically or mentally unfit for employment;
  - 3) pregnant;
  - 4) a student enrolled at least half time;
  - 5) a member of a household responsible for a dependent child;
  - 6) responsible for the care of an incapacitated person;
  - 7) participating in a drug addiction or alcoholic treatment and rehabilitation program;
  - 8) receiving weekly earnings of at least the federal minimum wage times 30 hours; or
  - 9) receiving Unemployment Insurance.

(Source: Amended 22 Ill. Reg. 19787, effective OCT 28 1998)

## Section 121.162 Participation and Cooperation Requirements

- a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. Individuals who are not Food Stamp Assistance recipients may be ordered by a court of competent jurisdiction to participate in the Earnfare component if they are non-custodial parents of TANF children. The individual will be given the participation requirements, in writing, for each component to which the individual is assigned. These components include:

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- 1) Earnfare (see Section 121.182), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate;
  - 2) Work Experience (see Section 121.176);
  - 3) Job Training (see Section 121.178);
  - 4) Basic Education (see Section 121.172);
  - 5) Job Search (see Section 121.170); and
  - 6) Job Readiness (see Section 121.174);
  - 7) Illinois Works (see Section 121.177); and
  - 8) YTPA Employability Services (see Section 121.179).
- b) An individual is required to participate in the Food Stamp Employment and Training program by:
- 1) Cooperating with the Food Stamp Employment and Training program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.
  - 2) Job Contacts in Job Search. Individuals are required to make 20 acceptable employer contacts in every 30 calendar days while in the Job Search component.
    - A) Ten of the 20 required contacts must be either:
      - i) the completion and return of an application;
      - ii) a face-to-face interview with an employer;
      - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
    - B) The remaining ten contacts may be any combination of the following:
      - i) the completion and return of an application;
      - ii) a face-to-face interview with an employer;
      - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
      - iv) the completion of a Job Service screening test;
      - v) the mailing of a resume with a cover letter to an employer;
      - vi) for union members in good standing, reporting to the union hall;
      - vii) reporting to a day labor hall; or
      - viii) reporting for temporary office service.
  - C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
  - D) No individual shall be sanctioned and/or have Food Stamps

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disqualified for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to, the following:

- i) the individual appears for a scheduled interview and the employer misses the appointment;
- ii) the individual has fewer than 20 contacts and/or fewer than ten interviews or applications, but came reasonably close to the required numbers in an effort to find work;
- iii) the individual fails a civil service or other employment screening test;
- iv) the individual completes an application which is not accepted by the employer; and
- v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.

3) Responding to a job referral of suitable employment (such as, a written statement referring a mandatory registrant to an employer for a specific position).

4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.

A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and

B) Suitable employment must meet the following requirements:

- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;
- ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
- iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the federal nor State minimum wage is

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applicable);

- iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) of this Section;

v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;

- vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
- vii) the mandatory registrant is physically and mentally competent to perform the work.

5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.

c) Food Stamp Employment and Training participants who are employed must:

- 1) continue their employment; and
- 2) not reduce their employment (for example, voluntarily reduce work hours).

d) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section, without good cause (see Section 121.186), will result in a food stamp disqualification and/or financial sanction as outlined in Section 121.184.

(Source: Amended at 22 Ill. Reg. 19787, effective 01-28-1998)

## Section 121.164 Orientation

a) The Department and/or entities operating components under contract, cooperative agreement or intergovernmental agreement shall arrange for individuals to receive a program orientation and an assessment to develop an employability plan. The orientation may be conducted by a provider of training or employment programs. When the orientation is scheduled by the Department, individuals will be sent a letter from the Department which includes the following information:

- 1) the fact of the individual's registration;
- 2) the right to request an exemption;
- 3) a complete description of all available exemptions;
- 4) the date and time of the meeting;
- 5) a description of the program and the purpose of the meeting;
- 6) the consequences of failing to attend;
- 7) the right to reschedule the appointment with good cause;
- 8) the right to request transportation services to attend; and
- 9) the printed name of the worker to contact for such purposes.

b) In an orientation meeting, individuals will receive an explanation of the Food Stamp Employment and Training program, including Earnfare, Illinois Works and JTPA Employability Services. The orientation shall



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Individuals who sign an agreement and who subsequently attend the orientation meeting shall receive an assessment (as explained in Section 121.166) as part of the orientation session.

- 4) The Department shall attempt to schedule the orientation meeting on the day that the nonexempt registrant agrees to attend such orientation, or as soon thereafter as possible.

(Source: Amended at 22 Ill. Reg. 1978, effective 007-2-8-1998)

**Section 121.177 Illinois Works Component**

- a) The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training and to assist them in finding jobs. An individual is expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential.

**b) Eligibility Criteria**

- 1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information regarding the individual's education, previous training, skills level and employment history, a determination will be made as to whether the individual will benefit from an Illinois Works assignment.

- 2) If an Illinois Works assignment does not appear appropriate or the individual does not possess the skills necessary for available Illinois Works assignment positions, the individual will be assigned to another appropriate component.

- 3) The Illinois Works Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.

- 4) Individuals are not entitled to be placed in an Illinois Works position. Illinois Works positions shall be made available only as resources permit.

**c) Participation Requirements**

- 1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.

- 2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Illinois Works hours. The individual must engage in hours of work equal to his or her per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.

- 3) The individual shall be credited with hours of work that the Illinois Works employer certifies him or her to have completed, in writing, when approved by the Department.

- 4) Participants are required to report, as scheduled and on time, to

include information regarding participation requirements, the distribution of a Food Stamp Employment and Training program booklet and an explanation of its contents which contains program information including the following:

- 1) an overview of the Food Stamp Employment and Training program, including Earnfare for those who are eligible to participate in Earnfare;

- 2) the exemption criteria listed in Section 121.160(b);

- 3) a description of all Food Stamp Employment and Training program components, eligibility criteria, and specific participation requirements for each component;

- 4) general participation requirements, such as appearing for scheduled meetings with Food Stamp Employment and Training program staff, responding to a job referral, and accepting a bona fide offer of suitable employment as described in Section 121.162(c);

- 5) the individual's responsibilities while in the Job Search component as described in Sections 121.162(c)(2) and 121.170;

- 6) the Job Search allowance and the other supportive services identified in Section 121.188;

- 7) information on what constitutes an acceptable employer contact;

- 8) the assessment process and employability plan as described in Section 121.166; and

- 9) the result of the individual's failure to cooperate, without good cause, with the Food Stamp Employment and Training program.

- c) When providing an orientation to individuals eligible for Earnfare, the orientation meeting shall include an explanation of participation requirements, the maximum Earnfare payment amount and the fact that individuals who volunteer for Earnfare are not subject to financial sanctions or food stamp disqualifications for refusal or failure to comply with Earnfare requirements.

- d) Nonexempt registrants must attend all scheduled orientation meetings or notify their Food Stamp Employment and Training worker of good cause to be excused and have their meeting rescheduled (see Section 121.186).

- 1) If an individual fails to attend an orientation meeting, without good cause (see Section 121.186), Transitional Assistance will be sanctioned and/or Food Stamp Assistance shall be discontinued.

- 2) If the nonexempt registrant fails to attend an orientation meeting but has good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the nonexempt registrant shall be reimbursed for any Transitional Assistance lost.

- 3) Transitional Assistance and/or Food Stamp Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an orientation meeting, provided the date of agreement falls on or before the last day of the fiscal month of the discontinuance.

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the Illinois Works worksite. If they cannot appear for the assignment or will be late, they are to immediately notify the work assignment employer.

- 5) Failure to report to the work assignment when initially called in or referred or failure to attend one day in any 30-day period, without good cause, shall result in financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.
- 6) The participant will be notified where and when to report, to whom to report, a brief description of duties, and the number of hours to be worked.

## d) Administration and Contracts

- 1) The Department shall administer the Illinois Works program.
- 2) The Department may enter into an inter-agency agreement with other State agencies that want to participate in the operation of the Illinois Works Component. The Department shall establish the policy and procedures for the component and monitor Illinois Works as operated by other State agencies.
- 3) The Department may enter into contracts with any public or private nonprofit organization, as comprehensive providers, to administer and operate Illinois Works.

- 4) The Department may enter into a cooperative agreement with local governmental units that want to participate in the operation of the Illinois Works Component.

- 5) The Department shall provide Worker's Compensation coverage for each individual assigned to Illinois Works.

- 6) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of the failure of an individual to cooperate or meet participation requirements.

- 7) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours worked, client tracking, and reporting back to the DHS local office for data entry and case file updating.

- 8) Illinois Works job slots may only be located in public or private nonprofit agencies.

- e) For the purposes of Illinois Works, a suitable Illinois Works position must meet the following requirements:

- 1) No participant shall be required to work more than eight hours on any given day;

- 2) If the participant is unable to appear for the scheduled assignment or to complete the hours of work obligation due to compliance with Unemployment Insurance requirements, such inability shall not be considered a refusal to cooperate;

- 3) All participants in Illinois Works must be provided Worker's Compensation coverage;

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- 4) All participants employed in Illinois Works shall have working conditions provided other employees similarly employed;
- 5) The Illinois Works assignments shall in no way infringe upon the promotional opportunities that would otherwise be available to regular employees;

- 6) Illinois Works assignments shall not be related in any way to political or partisan activities;

- 7) Illinois Works assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant;

- 8) Nondiscrimination requirements shall apply to all agencies involved in Illinois Works;

- 9) There is no unreasonable degree of risk to the individual's health and safety; and

- 10) The individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.

- f) Illinois Works assignments are not intended to displace paid employees of the sponsoring organization. Displacement refers to terminating, laying off or not filling existing job vacancies. Individuals may file a grievance if they feel displacement has occurred. In order for the Department to consider a grievance, it must be in writing.

- g) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment employer. If the Department concludes that the work assignment employer has caused displacement by use of individuals participating in FSEET in addition to the individual grievant, then the Department may terminate other FSEET program participants' assignments to that work assignment sponsor.

- h) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment employer for filing a grievance.

(Source: Added 8/1998 22 Ill. Reg. 19787 effective 8/1/98)

## Section 121.179 JTPA Employability Services Component

- a) The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment, and training and to assist them in finding jobs. An individual is expected to participate fully with all component requirements to maximize his or her employment potential.

- b) Eligibility Criteria

- 1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information about the individual's education, training, and employment history, a determination will be made as to whether the



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(Source: Added at 22 Ill. Reg. effective

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Section 121.184 Sanctions

a) An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp disqualification. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp disqualifications for non-participation in Earnfare.

1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or disqualified for food stamps for two months. The two month ineligibility and/or food stamp disqualification shall be ended early if the individual actually complies with the appropriate requirement or if the individual becomes exempt.

2) Transitional Assistance sanctions and/or food stamp disqualifications shall be imposed against those individuals who refuse or fail to participate, without good cause, in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

b) Non-cooperation with the Food Stamp Employment and Training program includes one instance of any of the following:

- 1) refusal/failure to respond to a job referral;
- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(b)(4));
- 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(c)(1));
- 4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(c)(2)); or
- 5) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided.

c) A Transitional Assistance sanction and/or food stamp disqualification will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:

- 1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an

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individual will benefit from a JTPA Employability Services assignment.

2) If a JTPA Employability Services assignment does not appear appropriate or the individual does not possess the skills necessary for JTPA Employability Services, the individual will be assigned to another appropriate component.

3) The JTPA Employability Services Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.

4) Individuals are not entitled to be placed in a JTPA Employability Services position. JTPA Employability Services positions shall be made available only as resources permit.

c) Participation Requirements

1) Individuals must participate 80 hours each month in JTPA Employability Services activities.

2) Individuals shall be credited with hours of work that the JTPA Employability Services provider certifies them to have completed, in writing, when approved by the Department.

3) Failure to report to the JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.

d) Administration and Contracts

1) The Department shall administer the JTPA Employability Services program.

2) The Department may enter into an inter-agency agreement with other State agencies who want to participate in the operation of JTPA Employability Services. The Department shall establish the policy and procedures for the component and monitor JTPA Employability Services as operated by other State agencies.

3) The Department may enter into contracts with any public or private nonprofit organizations, as comprehensive providers, to administer and operate the JTPA Employability Services Component.

4) The Illinois Department may enter into cooperative agreements with local governmental units that want to participate in the operation of the JTPA Employability Services Component.

5) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of failure of an individual to cooperate or meet participation requirements.

6) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours completed, client tracking, and reporting back to the DHS local office for data entry and case file updating.

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individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The Food Stamp Employment and Training worker will include the individual in a scheduled group or other meeting or re-schedule the individual for another meeting;

- 2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, without good cause, thereby precluding or interrupting participation or progress in the employability plan;
- 3) An individual fails to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period shall result in a Transitional Assistance sanction and/or a food stamp disqualification (see Sections 121.162(b)(2));
- 4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a Transitional Assistance sanction and/or food stamp disqualification (see Section 121.186); and
- 5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction; and

- 6) Failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a Transitional Assistance Sanction and/or food stamp disqualification.

- d) A Transitional Assistance sanction and/or food stamp disqualification shall be imposed only on a nonexempt individual.

- e) No Transitional Assistance sanction or food stamp disqualification will be imposed until Food Stamp Employment and Training staff has sent the individual a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

- f) A Transitional Assistance sanction and/or food stamp disqualification shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp disqualification process up through and until the final agency decision, including any appeal hearing, even if

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not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

- g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp disqualification shall include the following:

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) the following statement: "You will be sanctioned until (last day of sanction period) or until you comply with the appropriate program requirement or become exempt. In order for Transitional Assistance and Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance, you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date). If you apply later than (date), there may be a further gap in assistance."

(Source: Amended at 22 Ill. Reg. effective  
OCT 28 1988 19787)

## Section 121.188 Supportive Services

- a) Transitional Assistance recipients and individuals receiving food stamps are eligible to receive supportive service payments in advance, except for orientation, to enable them to participate in the program. Transitional Assistance recipients and individuals receiving food stamps may also be eligible for initial employment expenses. Supportive service costs shall not include the cost of meals away from home.

- b) During the assessment, the supportive services needed by an individual which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) employment-related medical services (for example, TB test);
- 3) vocational rehabilitation;
- 4) initial employment expenses;
- 5) required books, fees, supplies;
- 6) pre-employment and pre-training physical examinations that are needed but not otherwise provided; and
- 7) clothing allowance to enable participants to report to their Earnfare job site.

- c) Food Stamp Employment and Training program participation will not be



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required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Food Stamp Employment and Training program participation will not be required in a component if the individual's monthly allowable supportive service expenses exceed the maximum amount allowed by Department policy. Individuals may be required to participate in another component or a less costly activity of the same component to the extent it is consistent with the employability plan established during the individual's assessment.

## d) Eligible Services

## 1) Transportation

A) If required and necessary, expenses for transportation will be provided to enable individuals to attend orientation meetings and conciliation meetings.

B) Transportation expenses are to be paid to permit participation in the Job Search, Illinois Works, Basic Education, Job Training, Job Readiness, JTPA Employability Services, Work Experience and Earnfare Components.

C) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (15¢ per mile) will be approved, which includes all vehicle-related expenses.

D) Transportation expenses are to be paid as an initial employment expense to go to and from work for 30 calendar days from the date employment begins.

E) Transportation expenses are to be paid to Earnfare participants who are not in the Earnfare Job Search Activity for specific job interviews arranged by their Earnfare employer.

## 2) Job Search Expenses

A) Individuals participating in Job Search will receive an amount, not to exceed \$20.00 a month, to assist in the payment of Job Search-Related Expenses.

B) An allowance of \$5.00 a month will be paid to individuals participating in the Work Experience and Job Readiness Components to assist in the payment of Job Search-Related Expenses.

3) Mandatory Fees. Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, including the fee for the GED test, are provided to individuals enrolled in approved education or training programs (see Sections 121.170 through 121.182). A maximum payment of \$300.00 per 12-month period can be provided. No payments are allowed for tuition.

4) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. A maximum payment of \$300.00 per

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12-month period can be provided.

5) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.

6) Earnfare clothing allowance. Necessary clothing is provided to enable participants to report to their Earnfare job site. A maximum clothing allowance of \$100.00 per 12-month period can be provided.

## 7) Initial Employment Expenses

A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins for all components except Illinois Works and JTPA Employability Services. These expenses are paid based on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.

B) These expenses include:

- i) Special clothing (maximum \$200.00);
- ii) Required tools which are not provided by the employer (maximum \$200.00);
- iii) Repairs of an automobile (maximum \$300.00);
- iv) Auto license plate fees;
- v) Auto liability insurance at the cheapest rate but not to exceed \$150.00 or three months coverage, whichever is less costly;
- vi) Transportation expenses at the most reasonable and economical rate. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;
- vii) Child care;
- viii) Physical examination, prior to employment, if required and not provided by the employer;
- ix) Other required items related to a specific job (maximum \$300.00); and
- x) Item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire

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extinguishers, smoke alarms, first aid kits and installation of a telephone.

C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.

D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.

e) These allowances are exempt from consideration in determining the Transitional Assistance grant amount.

(Source: Amended at 22 Ill. Reg. 19787, effective OCT 28 1998)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section 121.220 Work Requirement Workfare Components

a) To the extent resources allow, the Department shall establish Workfare Components to give food stamp recipients an opportunity to meet the work requirement for food stamps by volunteering to participate in the Workfare Components. These components include the:

- 1) Earnfare Component (see Section 121.221), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate;
- 2) Volunteer Community Work Component (see Section 121.222); and
- 3) Work Experience Component (see Section 121.223);
- 4) Illinois Works Component (see Section 121.225); and
- 5) JTPA Employability Services Component (see Section 121.226).

b) Food stamp recipients who meet the participation requirements of the Workfare Components to retain food stamp eligibility may also participate in other Food Stamp Employment and Training (FSE&T) components. These components include Job Search (see Section 121.170), Basic Education (see Section 121.172), Job Readiness (see Section 121.174), and Job Training (see Section 121.178).

(Source: Amended at 22 Ill. Reg. 19787, effective OCT 28 1998)

Section 121.225 Meeting the Work Requirement with the Illinois Works Component

a) The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training and to assist them in finding jobs. An individual is expected to participate fully with all Illinois Works Component requirements to maximize his

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or her employment potential.

b) Eligibility Criteria

1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information regarding the individual's education, previous training, skills level and employment history, a determination will be made as to whether the individual will benefit from an Illinois Works assignment.

2) If an Illinois Works assignment does not appear appropriate or the individual does not possess the skills necessary for available Illinois Works assignment positions, the individual will be assigned to another appropriate component.

3) The Illinois Works Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.

4) Individuals are not entitled to be placed in an Illinois Works position. Illinois Works positions shall be made available only as resources permit.

c) Participation Requirements

1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.

2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Illinois Works hours. The individual must engage in hours of work equal to his or her per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.

3) The individual shall be credited with hours of work that the Illinois Works employer certifies him or her to have completed, in writing, when approved by the Department.

4) Participants are required to report, as scheduled and on time, to the Illinois Works worksite. If they cannot appear for the assignment or will be late, they are to immediately notify the work assignment employer.

5) Failure to report to the work assignment when initially called in or referred or failure to attend one day in any 30-day period, without good cause, shall result in financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.

6) The participant will be notified where and when to report, to whom to report, a brief description of duties, and the number of hours to be worked.

d) Administration and Contracts

1) The Department shall administer the Illinois Works program.

2) The Department may enter into an inter-agency agreement with other State agencies that want to participate in the operation of the Illinois Works Component. The Department shall establish the



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policy and procedures for the component and monitor Illinois Works as operated by other State agencies.

- 3) The Department may enter into contracts with any public or private nonprofit organization, as comprehensive providers, to administer and operate Illinois Works.

- 4) The Department may enter into a cooperative agreement with local governmental units that want to participate in the operation of the Illinois Works Component.

- 5) The Department shall provide Worker's Compensation coverage for each individual assigned to Illinois Works.

- 6) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of the failure of an individual to cooperate or meet participation requirements.

- 7) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours worked, client tracking, and reporting back to the DHS local office for data entry and case file updating.

- 8) Illinois Works job slots may only be located in public or private nonprofit agencies.

- e) For the purposes of Illinois Works, a suitable Illinois Works position must meet the following requirements:

- 1) No participant shall be required to work more than eight hours on any given day;

- 2) If the participant is unable to appear for the scheduled assignment or to complete the hours of work obligation due to compliance with Unemployment Insurance requirements, such inability shall not be considered a refusal to cooperate;

- 3) All participants in Illinois Works must be provided Worker's Compensation coverage;

- 4) All participants employed in Illinois Works shall have working conditions provided other employees similarly employed;

- 5) The Illinois Works assignments shall in no way infringe upon the promotional opportunities that would otherwise be available to regular employees;

- 6) Illinois Works assignments shall not be related in any way to political or partisan activities;

- 7) Illinois Works assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant;

- 8) Nondiscrimination requirements shall apply to all agencies involved in Illinois Works;

- 9) There is no unreasonable degree of risk to the individual's health and safety; and

- 10) The individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any

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legitimate labor organization.

- f) Illinois Works assignments are not intended to displace paid employees of the sponsoring organization. Displacement refers to terminating, laying off or not filling existing job vacancies. Individuals may file a grievance if they feel displacement has occurred. In order for the Department to consider a grievance, it must be in writing.

- g) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment employer. If the Department concludes that the work assignment employer has caused displacement by use of individuals participating in FSE&T in addition to the individual grievant, then the Department may terminate other FSE&T program participants' assignments to that work assignment sponsor.

- h) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment employer for filing a grievance.

(Source: Added 22 Ill. Reg.

19787,

effective

10/28/1988)

# Section 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

- a) The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment, and training and to assist them in finding jobs. An individual is expected to participate fully with all component requirements to maximize his or her employment potential.

- b) Eligibility Criteria

- 1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information about the individual's education, training, and employment history, a determination will be made as to whether the individual will benefit from a JTPA Employability Services assignment.

- 2) If a JTPA Employability Services assignment does not appear appropriate or the individual does not possess the skills necessary for JTPA Employability Services, the individual will be assigned to another appropriate component.

- 3) The JTPA Employability Services Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.

- 4) Individuals are not entitled to be placed in a JTPA Employability Services position. JTPA Employability Services positions shall be made available only as resources permit.

- c) Participation Requirements

- 1) Individuals must participate 80 hours each month in JTPA Employability Services activities.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Numbers: 10.430  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) Effective Date of Amendments: November 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: July 10, 1998 (22 Ill. Reg. 11673)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: These amendments revise authorization provisions. This change is being made so that all applicants will receive assistance from the same point in time. These amendments establish that financial assistance will no longer be provided prior to the 30th day following application. The 30-day period will ensure equitable treatment for all applicants. As a result of these amendments, financial assistance for Aid to the Aged, Blind or Disabled, Interim Assistance and Temporary Assistance for Needy Families will be authorized effective 30 days after the date of application provided the case is eligible on that date.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

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- 2) Individuals shall be credited with hours of work that the JTPA Employability Services provider certifies them to have completed, in writing, when approved by the Department.
- 3) Failure to report to the JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.

d) Administration and Contracts

- 1) The Department shall administer the JTPA Employability Services program.
- 2) The Department may enter into an inter-agency agreement with other State agencies who want to participate in the operation of JTPA Employability Services. The Department shall establish the policy and procedures for the component and monitor JTPA Employability Services as operated by other State agencies.
- 3) The Department may enter into contracts with any public or private nonprofit organizations, as comprehensive providers, to administer and operate the JTPA Employability Services Component.
- 4) The Illinois Department may enter into cooperative agreements with local governmental units that want to participate in the operation of the JTPA Employability Services Component.
- 5) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of failure of an individual to cooperate or meet participation requirements.
- 6) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours completed, client tracking, and reporting back to the DHS local office for data entry and case file updating.

(Source: Added 8 8 1988 22 Ill. Reg. 19787, effective OCT 8 1988)



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Mrs. Susan Warrner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772  
FAX: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 10

## GENERAL ADMINISTRATIVE PROVISIONS

## SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

## SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens
10.350	Release of Liens
10.360	Personal Injury Claims
10.370	Convictions of Fraud - Eligibility
10.380	Single Conviction of Fraud - Administrative Review Board

## SUBPART C: APPLICATION PROCESS

Section	
10.415	Local Office Action on Application for Public Assistance
10.420	Time Limitations on the Disposition of an Application
10.430	Approval of an Application and Initial Authorization of Financial Assistance
10.438	General Assistance Approval Provisions
10.440	Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

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SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15901, effective November 26, 1997; amended at 22 Ill. Reg. **19816**, effective **NOV 1 1998**.

## SUBPART C: APPLICATION PROCESS

## Section 10.430 Approval of an Application and Initial Authorization of Financial Assistance

- a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Temporary Assistance for Needy Families) shall be authorized effective 30 days after the date of application provided the case is eligible on that date, from the earlier of:

- 1) the date of decision on the current application; or  
2) thirty days after the date of application provided the case is eligible on that date.

- b) Financial assistance for General Assistance shall be authorized effective:

- 1) Thirty days following the date of application.  
2) If General Assistance (GA) is approved as a result of termination of Temporary Assistance for Needy Families (TANF) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (TANF only) for certain non-financial reasons (see Section 10.270(f)), assistance shall be authorized with no gap if an application is filed within 30 days after the notice of termination of TANF or AABD or deletion (TANF only) (see also Section 10.270).

- c) If the applicant is determined eligible for financial assistance, the notice (see Section 10.420) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

(Source: Amended **NOV 1 1998** 22 Ill. Reg. **19816**, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Assistance

- 2) Code Citation: 89 Ill. Adm. Code 114

- 3) Section Numbers: 114.210  
Adopted Action: Amendment

- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Art. VI and 12-13).

- 5) Effective Date of Amendments: November 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: June 26, 1998 (22 Ill. Reg. 10973)

- 10) Has JCAR Issued a Statement of Objections to this Rule? No

- 11) Difference(s) between proposal and final version:

The following changes were made in the text of the proposed amendments:

1. The Subpart Heading was added.
2. In Section 114.210(b), the opening parenthesis was added before "surplus".
3. In Section 114.210(1), "Mental Health and Developmental Disabilities" was struck and replaced by "Human Services".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendments currently in effect?  
No

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.223	Amendment	22 Ill. Reg. 15901
114.224	Amendment	22 Ill. Reg. 15901



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- 114.406 Amendment 22 Ill. Reg. 16133  
 114.409 Amendment 22 Ill. Reg. 11279

15) Summary and Purpose of Rule: These amendments exempt employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client. This rulemaking reflects current Department policy and promotes employment by removing a disincentive for some employed individuals. These amendments encourage clients to work by not penalizing them financially because of the receipt of reimbursements for out-of-pocket expenses.

16) Information and answers to questions regarding these adopted amendments shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor, Harris Bldg.  
 Springfield, Illinois 62762  
 (217) 785-9772  
 FAX: (217) 557-1547

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
 GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

Section  
 114.1  
 114.2  
 114.3  
 114.5

Description of the Assistance Program  
 Determination of Not Employable  
 Advocacy Program for Persons Receiving State Transitional Assistance  
 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
 114.9  
 114.10  
 114.20  
 114.30  
 114.40  
 114.50  
 114.52  
 114.60  
 114.61

Client Cooperation  
 Citizenship  
 Residence  
 Age  
 Relationship  
 Living Arrangement  
 Social Security Numbers  
 Work Registration Requirements (Outside City of Chicago only)  
 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)  
 Job Service Registration (Outside City of Chicago only)  
 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)  
 Responsibility to Seek Employment (Outside City of Chicago only)  
 Initial Employment Expenses (Outside City of Chicago only)  
 Downstate General Assistance Work and Training Programs  
 Downstate General Assistance - Food Stamps Employment and Training Pilot Project  
 Project Chance Participation/Cooperation Requirements (Renumbered)  
 General Assistance Jobs Program (Repealed)  
 Persons Ineligible for TANF Due to Time Limits

## SUBPART C: PROJECT ADVANCE

Section  
 114.108  
 114.109  
 114.110

Project Advance (Repealed)  
 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)  
 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

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114.111 Project Advance Sanctions (Repealed)  
 114.113 Project Advance Good Cause for Failure to Comply (Repealed)  
 114.115 Individuals Exempt From Project Advance (Repealed)  
 114.117 Project Advance Supportive Services (Repealed)

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section  
 114.120 Employment and Training Requirements  
 114.121 Persons Required to Participate in Project Chance (Repealed)  
 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)  
 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)  
 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)  
 114.125 Employment and Training Program Orientation (Repealed)  
 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)  
 114.127 Employment and Training Program Components (Repealed)  
 114.128 Employment and Training Sanctions (Repealed)  
 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)  
 114.130 Employment and Training Supportive Services (Repealed)  
 114.135 Conciliation and Fair Hearings (Repealed)  
 114.140 Employment Child Care (Repealed)

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section  
 114.200 Unearned Income  
 114.201 Budgeting Unearned Income  
 114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
 114.203 Initial Receipt of Unearned Income  
 114.204 Termination of Unearned Income  
 114.210 Exempt Unearned Income  
 114.220 Education Benefits  
 114.221 Unearned Income In-Kind  
 114.222 Earmarked Income  
 114.223 Lump-Sum Payments  
 114.224 Protected Income  
 114.225 Earned Income  
 114.226 Budgeting Earned Income  
 114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
 114.228 Initial Employment

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114.229 Termination of Employment  
 114.230 Exempt Earned Income  
 114.235 Recognized Employment Expenses  
 114.240 Income From Work/Study/Training Program (Repealed)  
 114.241 Earned Income From Self-Employment  
 114.242 Earned Income From Roomer and Boarder  
 114.243 Earned Income From Rental Property  
 114.244 Earned Income In-Kind  
 114.245 Payments from the Illinois Department of Children and Family Services  
 114.246 Budgeting Earned Income For Contractual Employees  
 114.247 Budgeting Earned Income For Non-contractual School Employees  
 114.250 Assets  
 114.251 Exempt Assets  
 114.252 Asset Disregards  
 114.260 Deferral of Consideration of Assets (Repealed)  
 114.270 Property Transfers (Repealed)  
 114.280 Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

Section  
 114.350 Payment Levels  
 114.351 Payment Levels in Group I Counties  
 114.352 Payment Levels in Group II Counties  
 114.353 Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

Section  
 114.400 Persons Who May Be Included In the Assistance Unit  
 114.401 Eligibility of Strikers  
 114.402 Special Needs Authorizations (Repealed)  
 114.403 Institutional Status  
 114.404 Retrospective Budgeting  
 114.405 Budgeting Schedule  
 114.406 Limitation on Amount of General Assistance to Recipients from Other States  
 114.420 Redetermination of Eligibility  
 114.430 Extension of Medical Assistance Due to Increased Income from Employment  
 114.440 Attorney's Fees for VA Appellants  
 114.442 Attorney's Fees for SSI Applicants

## SUBPART H: CHILD CARE

Section  
 114.450 Child Care (Repealed)  
 114.452 Child Care Eligibility (Repealed)



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- 114.454 Qualified Provider (Repealed)  
 114.456 Notification of Available Services (Repealed)  
 114.458 Participant Rights and Responsibilities (Repealed)  
 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)  
 114.464 Rates of Payment for Child Care (Repealed)  
 114.466 Method of Providing Child Care (Repealed)

## SUBPART I: TRANSITIONAL CHILD CARE

- Section  
 114.500 Transitional Child Care Eligibility (Repealed)  
 114.504 Duration of Eligibility for Transitional Child Care (Repealed)  
 114.506 Loss of Eligibility for Transitional Child Care (Repealed)  
 114.508 Qualified Provider (Repealed)  
 114.510 Notification of Available Services (Repealed)  
 114.512 Participant Rights and Responsibilities (Repealed)  
 114.514 Child Care Overpayments and Recoveries (Repealed)  
 114.516 Fees for Service for Transitional Child Care (Repealed)  
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10

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Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January

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15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective **NOV 1 1998**.

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section 114.210 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C. 5001) and the Foster Grandparent Program (42 U.S.C. 5011) and Older Americans Community Service Employment Program (42 U.S.C. 3056) established under Title II of the Domestic Volunteer Service Act (42 U.S.C. 5001 thru 5023), as amended; Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4(c)]. This includes both the benefits commonly known as the circuit breaker and "additional grants";
- g)



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- 1) Heading of the Part: Support Responsibility of Relatives
- 2) Code Citation: 89 Ill. Adm. Code 20
- 3) Section Numbers: Adopted Action:  
 20.1 New Section  
 20.10 New Section  
 20.20 New Section  
 20.25 New Section  
 20.30 New Section  
 20.35 New Section  
 20.40 New Section  
 20.50 New Section  
 20. Table A New Section
- 4) Statutory Authority: Implementing and authorized by Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X].
- 5) Effective Date of Rules: November 1, 1998
- 6) Does these rules contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 31, 1998 (22 Ill. Reg. 14064)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed rules:
1. In the Table of Contents, "CHAPTER I" was changed to "CHAPTER IV".
  2. In the Source Notes: "Filed" was changed to "Adopted".
  3. In Section 20.20(a)(1), the colon was changed to a comma.
  4. In Section 20.20(a)(2), "20. Table A" was changed to "Table A of this Part" and "which" was changed to "that".
  5. In Section 20.20(b)(2), "Responsible relative" was changed to "For responsible relatives", the colon was changed to a comma, "20 Table A" was changed to "Table A of this Part" and "which" was changed to "that".

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- h) Payments Under Certain Federal Programs
- 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 U.S.C. 5044(g)). Examples of these programs include RSVP, Foster Grandparents and other programs.
- 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA;
- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Job Training Partnership Act (29 U.S.C. 1501-1781);
- j) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8);
- k) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8);
- l) Payments made by the Illinois Department of Human Services Mental Health and Developmental Disabilities under the Family Assistance Law for Mentally Disabled Children under P.A. 86-921 [405 ILCS 80/Art. III].
- m) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- n) Employment-related reimbursement for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client.

(Source: Amended 1998 22 Ill. Reg. 19820, effective )

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- "that"
6. In Section 20.20(c), "If a" was deleted, "hospitalized" was capitalized and the quotation marks were deleted from "living with".
  7. In Section 20.25, "89 Illinois Administrative Code" was changed to "89 Ill. Adm. Code".
  8. In Section 20.25(c), "is" was changed to "will be".
  9. In Section 20.25(d), "sends" was changed to "will send".
  10. In Section 20.25(e), "of" was changed to "after", "sends" was changed to "will send" and "is" was changed to "will be".
  11. In Section 20.30, "20. Table A" was changed to "Table A of this Part".
  12. In Section 20.35, the period after "Act" was deleted.
  13. In "20. Table A", "35,001-34,500" was changed to "34,001-34,500" and "\$5.00." was changed to "\$5".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule:

These rules add provisions for the support responsibility of relatives. In conjunction with the formation of the Department of Human Services (DHS), this rulemaking adds provisions from the current rules of the Department of Public Aid (DPA) which need to be utilized by both agencies. This rulemaking is required by an Illinois Supreme Court decision in *Jacobsen V. IDPA*, which held that parents are not responsible for a child once the child reaches 18.

Source in DPA Rules	New DHS Rules	Section Title
103.1	20.1	Incorporation by Reference
103.10	20.10	Support from Responsible Relatives
103.20	20.20	Determination of Ability to Support

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- |             |            |  |
|-------------|------------|--|
| 103.25      | 20.25      | Establishment of Support Obligations                                   |
| 103.30      | 20.30      | Redetermination of Ability to Support                                  |
| 103.35      | 20.35      | Enforcement of Administrative Support Orders                           |
| 103.40      | 20.40      | Failure or Refusal to Provide Information Regarding Ability to Support |
| 103.50      | 20.50      | Modification or Release from Support Order                             |
| 103.Table A | 20.Table A | Standard for Determining Responsible Relative Liability                |

16) Information and answers to questions regarding these adopted rules shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
FAX: (217) 557-1547

The full text of Adopted Rules begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICE  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 20

## SUPPORT RESPONSIBILITY OF RELATIVES

## Section

- 20.1 Incorporation by Reference  
20.10 Support from Responsible Relatives  
20.20 Determination of Ability to Support  
20.25 Establishment of Support Obligations  
20.30 Redetermination of Ability to Support  
20.35 Enforcement of Administrative Support Orders  
20.40 Failure or Refusal to Provide Information Regarding Ability to Support  
20.50 Modification or Release from Support Order

## TABLE A Standard for Determining Responsible Relative Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X].

SOURCE: Adopted Nov 1 1988, 22 Ill. Reg. 19830, effective \_\_\_\_\_.

## Section 20.1 Incorporation by Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

## Section 20.10 Support from Responsible Relatives

- a) The Department shall seek to obtain support for recipients from legally responsible individuals and shall seek the enforcement of support obligations with the following exception: the Department shall not seek to obtain support for residents of long term care facilities if income of the spouse in the community is less than or equal to the Community Spouse Maintenance Needs Standard (as described at 89 Ill. Adm. Code 120.61).
- b) The following persons are "responsible relatives" who are legally responsible for the financial support and maintenance of recipients:
  - 1) spouse for spouse; and
  - 2) parents for children under 18 years of age.
- c) Responsible relatives who are receiving public assistance and/or Supplemental Security Income (SSI) benefits shall be considered unable

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to support.

- d) A parent is not legally responsible for the financial support and maintenance of a child of any age who has married (regardless of current marital status) and is not living with the parent or parents.

## Section 20.20 Determination of Ability to Support

- a) Responsible relatives living apart from the recipient/assistance unit.
  - 1) For responsible relatives living apart from the recipient/assistance unit, a responsible relative is liable for all assistance provided to or in behalf of the recipient, unless the relative establishes a lesser ability to support by providing the Department with income and asset information from which it can determine the relative's ability to support. However, the monthly support obligation assessed a responsible relative determined able to pay shall not exceed the average monthly amount of assistance provided by the Department to or in behalf of the recipient.
  - 2) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A of this Part to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his or her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income that is attributable to the responsible relative will be considered.
- b) Responsible relatives living apart or with the recipient/assistance unit.
  - 1) For responsible relatives living with the recipient/assistance unit, the Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:
    - A) Aid to the Aged, Blind or Disabled (AABD)  
The Department shall use the AABD financial assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 113.245 through 113.262 and 113.140, to determine the relative's ability to support.
    - B) General Assistance (GA) (City of Chicago Only)  
The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 114.250, to determine the relative's ability to support.
  - 2) For responsible relatives living apart from the recipient/assistance unit, the Department shall apply Table A of this Part to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's

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ability to support. The relative must submit a copy of his or her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint return with a non-responsible relative, only such income that is attributable to the responsible relative will be considered.

- c) Hospitalized or institutionalized individual living with a responsible relative.

- 1) Aid to the Aged, Blind or Disabled (AABD)

The client is considered as living apart from a responsible relative for any month the client is hospitalized or institutionalized the first day of the calendar month through the last day of the calendar month. If an infant is hospitalized from birth through the end of the calendar month, the client is considered hospitalized for the entire month. If a client is in a hospital or institution on the first day of the calendar month but dies prior to the end of the calendar month, the individual is considered living apart from the responsible relative(s).

- 2) Temporary Assistance for Needy Families (TANF)

A hospitalized individual is considered as living with the responsible relative if the individual is under the relative's control and supervision regardless of the length of hospitalization.

## Section 20.25 Establishment of Support Obligations

Except in Title IV-D cases where support obligations shall be established in accordance with 89 Ill. Adm. Code 160.60, the Department shall establish a responsible relative's obligation to support in the following manner:

- a) A notice of obligation to support, a return envelope, and a statement of the responsible relative's rights and responsibilities are sent to the responsible relative via certified mail, return receipt requested.
  - 1) If the responsible relative does not respond to the notice within 30 days, the Department will issue a subpoena for records.
  - 2) If the responsible relative submits the necessary income records within 30 days, the Department will determine the responsible relative's ability to support in accordance with Section 20.20.
- b) If the determination indicates there is no obligation, the case is closed.
- c) If the determination indicates there is an obligation to support, a determination will be made as to the amount of the obligation.
- d) If a support obligation exists, the Department will send a notice of support due to the responsible relative via registered or certified mail directing payment of the obligation.
- e) If the responsible relative fails to pay within 30 days after issuance of the notice of support due, the Department will send an Administrative Support Order via registered or certified mail. The responsible relative will be notified of his or her right to petition

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for release from or modification of the Administrative Support Order within 30 days after the date of its mailing.

## Section 20.30 Redetermination of Ability to Support

The Department will redetermine and, when indicated, adjust the amount of a support obligation on the basis of Table A of this Part if:

- a) the relative has sustained a significant reduction in income since the support obligation was determined; or
- b) there has been an increase in the number of the relative's dependents.

## Section 20.35 Enforcement of Administrative Support Orders

If the legally responsible relative has failed for 90 days after the effective date of the support order to make regular support payments according to the support order and a balance due is outstanding, the Department may take any or all of the following actions to collect the past due support:

- a) referral to the Department's legal representative for judicial enforcement of the Administrative Support Order;
- b) referral to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05]; and
- c) referral to a private collection agency for collection.

## Section 20.40 Failure or Refusal to Provide Information Regarding Ability to Support

A responsible relative who refuses or fails, upon request, to provide the Department with income or asset information necessary to make a determination of ability to support shall remain liable for all assistance provided to or in behalf of the recipient.

## Section 20.50 Modification or Release from Support Order

The responsible relative has the right to petition for modification of or release from the Department's order requiring the relative to provide support. The petition must be filed, in writing, with the Department no later than 30 days from the date of mailing of the support order.



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Section 20. TABLE A Standard for Determining Responsible Relative Liability

Gross Annual Income Range*	Responsible Relative Liability					
	Number in Family (including recipient)					
	2	3	4	5	6	7 or more**
\$ 7,000-7,500	\$ 5					
7,501-8,000	10					
8,001-8,500	15					
8,501-9,000	20					
9,001-9,500	25	\$ 5				
9,501-10,000	30	10				
10,001-10,500	35	15				
10,501-11,000	40	20				
11,001-11,500	45	25	\$ 5			
11,501-12,000	50	30	10			
12,001-12,500	55	35	15			
12,501-13,000	60	40	20			
13,001-13,500	65	45	25	\$ 5		
13,501-14,000	70	50	30	10		
14,001-14,500	75	55	35	15		
14,501-15,000	80	60	40	20		
15,001-15,500	85	65	45	25		
15,501-16,000	90	70	50	30		
16,001-16,500	95	75	55	35		
16,501-17,000	100	80	60	40		
17,001-17,500	105	85	65	45	\$ 5	
17,501-18,000	110	90	70	50	10	
18,001-18,500	115	95	75	55	15	
18,501-19,000	120	100	80	60	20	\$ 5
19,001-19,500	125	105	85	65	25	
19,501-20,000	130	110	90	70	30	
20,001-20,500	135	115	95	75	35	
20,501-21,000	140	120	100	80	40	
21,001-21,500	145	125	105	85	45	
21,501-22,000	150	130	110	90	50	
22,001-22,500	155	135	115	95	55	
22,501-23,000	160	140	120	100	60	
23,001-23,500	165	145	125	105	65	
23,501-24,000	170	150	130	110	70	
24,001-24,500	175	155	135	115	75	
24,501-25,000	180	160	140	120	80	
25,001-25,500	185	165	145	125	85	
25,501-26,000	190	170	150	130	90	
26,001-26,500	195	175	155	135	95	

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26,501-27,000	200	185	170	155	140	125
27,001-27,500	205	190	175	160	145	130
27,501-28,000	210	195	180	165	150	135
28,001-28,500	215	200	185	170	155	140
28,501-29,000	220	205	190	175	160	145
29,001-29,500	225	210	195	180	165	150
29,501-30,000	230	215	200	185	170	155
30,001-30,500	235	220	205	190	175	160
30,501-31,000	240	225	210	195	180	165
31,001-31,500	245	230	215	200	185	170
31,501-32,000	250	235	220	205	190	175
32,001-32,500	255	240	225	210	195	180
32,501-33,000	260	245	230	215	200	185
33,001-33,500	265	250	235	220	205	190
33,501-34,000	270	255	240	225	210	195
34,001-34,500	275	260	245	230	215	200
34,501-35,000	280	265	250	235	220	205
35,001-35,500	285	270	255	240	225	210
35,501-36,000	290	275	260	245	230	215
36,001-36,500	295	280	265	250	235	220
36,501-37,000	300	285	270	255	240	225
37,001-37,500	305	290	275	260	245	230
37,501-38,000	310	295	280	265	250	235
38,001-38,500	315	300	285	270	255	240
38,501-39,000	320	305	290	275	260	245
39,001-39,500	325	310	295	280	265	250
39,501-40,000	330	315	300	285	270	255
40,001-40,500	335	320	305	290	275	260
40,501-41,000	340	325	310	295	280	265
41,001-41,500	345	330	315	300	285	270
41,501-42,000	350	335	320	305	290	275
42,001-42,500	355	340	325	310	295	280
42,501-43,000	360	345	330	315	300	285
43,001-43,500	365	350	335	320	305	290
43,501-44,000	370	355	340	325	310	295
44,001-44,500	375	360	345	330	315	300
44,501-45,000	380	365	350	335	320	305
45,001-45,500	385	370	355	340	325	310
45,501-46,000	390	375	360	345	330	315
46,001-46,500	395	380	365	350	335	320
46,501-47,000	400	385	370	355	340	325
47,001-47,500	405	390	375	360	345	330
47,501-48,000	410	395	380	365	350	335
48,001-48,500	415	400	385	370	355	340
48,501-49,000	420	405	390	375	355	345
49,001-49,500	425	410	395	380	365	350
49,501-50,000	430	415	400	385	370	355

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

50,001 & over (continues at \$5 increments for each \$500 increase in Gross Annual Income Range)

\*Based on gross annual income as reflected on the responsible relative's Federal Income Tax Return

\*\*More than 7 in family (continues at \$5 increments)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:  
112.52 Amendment  
112.110 Amendment  
112.310 New Section
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Amendments: November 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

Section 112.52 July 6, 1998 (22 Ill. Reg. 11290)  
Section 112.110 June 26, 1998 (22 Ill. Reg. 10987)  
Section 112.310 July 10, 1998 (22 Ill. Reg. 11683)

10) Has JCAR Issued a Statement of Objections to this Rule? No11) Difference(s) between proposal and final version:

The following changes were made in the text of the proposed amendments:

Section 112.52

1. The Source Notes were updated.

2. The Subpart Heading was added to the rulemaking.

3. In Section 112.52(d), "an adult parent" was changed to "a U.S. citizen or otherwise non-citizen adult parent".

Section 112.110

1. The Subpart heading was added.

2. In Section 112.110(b)(6), "and" was struck.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

3. At the end of Section 112.110(b)(7), the final period was struck and "and" was added.

Section 112.310

1. The Subpart heading was added.
  2. The comma after "unit" was deleted.
  3. "89 Ill. Adm. Code" was enclosed in parentheses.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendments currently in effect?

Section 112.52	No
Section 112.110	No
Section 112.310	Yes

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.1	Amendment	22 Ill. Reg. 13286
112.9	Amendment	22 Ill. Reg. 13286
112.70	Amendment	22 Ill. Reg. 13286
112.72	Amendment	22 Ill. Reg. 13286
112.74	Amendment	22 Ill. Reg. 13286
112.78	Amendment	22 Ill. Reg. 13286
112.79	Amendment	22 Ill. Reg. 13286
112.80	Amendment	22 Ill. Reg. 13286
112.225	Repeal	22 Ill. Reg. 16135

- 15) Summary and Purpose of Rule:

Section 112.52

These amendments add Social Security Number (SSN) provisions for child-only cases. This change is being done to align the rules with the approved State Plan regarding child-only cases. Previously, the adult parent who did not comply with the SSN policy was excluded from the TANF cash case. As a result of these amendments, if the individual for whom a SSN is not furnished and for whom application for a SSN is not made is a U.S. citizen or otherwise adult parent of a child in a TANF case, the entire filing unit will be ineligible for TANF cash or General Assistance.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 112.110

These amendments exempt employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client. This rulemaking reflects current Department policy and promotes employment by removing a disincentive for some employed individuals. These amendments encourage clients to work by not penalizing them financially because of the receipt of reimbursements for out-of-pocket expenses.

Companion amendments are also being adopted in 89 Ill. Adm. Code 114.

Section 112.310

This rulemaking is intended to correct a problem in the Department's child care program unique to situations where the caregiver is not legally responsible for the child(ren) and is receiving assistance for the child(ren) only in a Temporary Assistance for Needy Families (TANF) grant.

The Department's child care program bases eligibility on the household's income. Once eligible, the amount a client has to pay as a co-payment is a function of the income of the household and the number of children in care. In families that include the parent of the child who is legally responsible for the child, or in families where the non-responsible caregiver is receiving assistance under TANF, this makes sense. However, if the caregiver is not otherwise legally responsible for the child(ren) (e.g., an aunt or grandmother), this child care system might be viewed as placing a legal responsibility for child care on the caregiver.

These amendments allow a non-legally responsible relative to receive child care assistance without being responsible for the payment of child care as long as the child(ren) are receiving TANF assistance. This child care will be paid as part of the TANF program. All aspects of the Department's child care program will apply except those related to income eligibility and co-payments.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
FAX: (217) 557-1547

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

112.78 TANF Employment and Work Activities  
 112.79 Sanctions  
 112.80 Good Cause for Failure to Comply with TANF Participation Requirements  
 112.81 Responsible Relative Eligibility for JOBS (Repealed)  
 112.82 Supportive Services  
 112.83 Teen Parent Services  
 112.84 Work Experience Evaluation Project (Repealed)  
 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

Section  
 112.86 Project Advance (Repealed)  
 112.87 Project Advance Experimental and Control Groups (Repealed)  
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)  
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)  
 112.90 Project Advance Sanctions (Repealed)  
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)  
 112.93 Individuals Exempt From Project Advance (Repealed)  
 112.95 Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

Section  
 112.98 Exchange Program (Repealed)

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
 112.100 Unearned Income  
 112.101 Unearned Income of Stepparent or Parent  
 112.105 Budgeting Unearned Income  
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
 112.107 Initial Receipt of Unearned Income  
 112.108 Termination of Unearned Income  
 112.110 Exempt Unearned Income  
 112.115 Education Benefits  
 112.120 Incentive Allowances  
 112.125 Unearned Income In-Kind  
 112.126 Earmarked Income  
 112.127 Lump-Sum Payments  
 112.128 Protected Income (Repealed)  
 112.130 Earned Income  
 112.131 Earned Income Tax Credit

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

112.132 Budgeting Earned Income  
 112.133 Budgeting Earned Income of Employed Applicants  
 112.134 Initial Employment  
 112.135 Budgeting Earned Income For Contractual Employees  
 112.136 Budgeting Earned Income For Non-Contractual School Employees  
 112.137 Termination of Employment  
 112.138 Transitional Payments (Repealed)  
 112.140 Exempt Earned Income  
 112.141 Earned Income Exemption  
 112.142 Exclusion From Earned Income Exemption  
 112.143 Recognized Employment Expenses  
 112.144 Income from Work-Study and Training Programs  
 112.145 Earned Income From Self-Employment  
 112.146 Earned Income From Roomer and Boarder  
 112.147 Income From Rental Property  
 112.148 Payments from the Illinois Department of Children and Family Services  
 112.149 Earned Income In-Kind  
 112.150 Assets  
 112.151 Exempt Assets  
 112.152 Asset Disregards  
 112.153 Deferral of Consideration of Assets  
 112.154 Property Transfers (Repealed)  
 112.155 Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section  
 112.250 Grant Levels  
 112.251 Payment Levels  
 112.252 Payment Levels in Group I Counties  
 112.253 Payment Levels in Group II Counties  
 112.254 Payment Levels in Group III Counties  
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States

## SUBPART I: OTHER PROVISIONS

Section  
 112.300 Persons Who May Be Included in the Assistance Unit  
 112.301 Presumptive Eligibility  
 112.302 Reporting Requirements for Clients with Earnings  
 112.303 Retrospective Budgeting  
 112.304 Budgeting Schedule  
 112.305 Strikers  
 112.306 Foster Care Program  
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96  
 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

After 8/22/96

112.309 Institutional Status

112.310 Child Care for Representative Payees

112.315 Young Parent Program (Renumbered)

112.320 Redetermination of Eligibility

112.330 Extension of Medical Assistance Due to Increased Income from Employment

112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

112.350 Child Care (Repealed)

112.352 Child Care Eligibility (Repealed)

112.354 Qualified Provider (Repealed)

112.356 Notification of Available Services (Repealed)

112.358 Participant Rights and Responsibilities (Repealed)

112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)

112.364 Rates of Payment for Child Care (Repealed)

112.366 Method of Providing Child Care (Repealed)

112.370 Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility (Repealed)

112.404 Duration of Eligibility for Transitional Child Care (Repealed)

112.406 Loss of Eligibility for Transitional Child Care (Repealed)

112.408 Qualified Child Care Providers (Repealed)

112.410 Notification of Available Services (Repealed)

112.412 Participant Rights and Responsibilities (Repealed)

112.414 Child Care Overpayments and Recoveries (Repealed)

112.416 Fees for Service for Transitional Child Care (Repealed)

112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28,



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1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14881, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18

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Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. **19840**, effective **NOV 1 1998**.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.52 Social Security Numbers

- a) To be eligible for TANF, each individual must furnish the Department his or her Social Security Number. If more than one Social Security Number has been assigned to any individual, all numbers are to be furnished.
- b) If a Social Security Number cannot be furnished, either because it has not been issued or is not known, application shall be made for a Social Security Number.
- c) Assistance will not be denied, delayed or discontinued pending the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

issuance or validation of a Social Security Number if the individual, or someone acting responsibly for the individual applies for the Social Security Number.

d) Individuals for whom a Social Security Number is not furnished and for whom application for a Social Security Number is not made are ineligible for an assistance grant under the TANF program. If the individual is a U.S. citizen or otherwise non-citizen adult parent of a child in a TANF cash case, the entire filing unit is ineligible for a TANF cash or General Assistance benefits.

(Source: Amended at 22 Ill. Reg. **19840**, effective **NOV 1 1998**)

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.110 Exempt Unearned Income

- a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:
  - 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
  - 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
  - 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
  - 4) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
  - 5) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
  - 6) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program (known as Americorps VISTA). Payments made under Americorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;
  - 7) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
  - 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;

- 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act;

- 10) Social Security death benefit expended on a funeral and/or burial;

- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 USC 8-5-e 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 USC 8-5-e 1760);

- 12) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 8-5-e 1626);

- 13) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 8-5-e 1989b through 1989b-8);

- 14) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 8-5-e 1989c through 1989c-8);

- 15) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;

- 16) Payments received under the federal Radiation Exposure Compensation Act (42 USC 8-5-e 2210 nt);

- 17) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act (42 USC 8-5-e 1437f);

- 18) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG;

- 19) Supportive Service payments (Section 112.82);

- 20) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;

- 21) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;

- 22) Any payment provided by the Department of Human Services under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;

- 23) CA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive TANF cash assistance;

- 24) A nonrecurring lump-sum SSI or SSA payment made to an individual in a TANF assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

not in a TANF assistance unit whose income is used to determine TANF eligibility for others (for example, stepparents, parents), the lump-sum payment is nonexempt income for the month received;

- 25) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;

- 26) Payments to a member of the Passamquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;

- 27) Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66; and

- 28) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans' Affairs (100% disability only) and Black Lung.

b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:

- 1) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(28) described in other provisions of the Section) of up to \$50 per person per quarter;

- 2) The value of home produce which is used for personal consumption;
- 3) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;

- 4) Two dollars of every \$3 of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of On-the-Job Training, Job Corps, Americorps VISTA, and work study;

- 5) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;

- 6) Earnmarked child support payments received by the client for the support of a child not included in the assistance unit; and

- 7) Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment; and-

- 8) Employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and

## DEPARTMENT OF HUMAN SERVICES

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do not represent a gain or benefit to the client.

(Source: Amended at 22 Ill. Reg. 19840, effective NOV 1 1998)

## SUBPART I: OTHER PROVISIONS

**Section 112.310 Child Care for Representative Payees**

A non-legally responsible relative who is acting as a Representative Payee for one or more children in a TANF case and who is not in the TANF assistance unit may receive child care services to enable the non-legally responsible relative to work. For purposes of these child care services, the following provisions of Child Care (89 Ill. Adm. Code 50) apply:

50.110  
50.120  
50.130  
50.220  
50.230(a)  
50.230(c)  
50.230(d)  
50.230(e)  
50.240  
50.250

(Source: Added at 22 Ill. Reg. 19840, effective NOV 1 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Dietetic and Nutrition Services Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1245
- 3) Section Numbers: 1245.300 Adopted Action: Amendment
- 4) Statutory Authority: Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- 5) Effective Date of Amendments: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any of the material incorporated by reference, is on file in the agency's principal office and available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 17, 1998, at 22 Ill. Reg. 12464
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The continuing education (CE) requirement, as provided for in Section 1245.310 of this Part, is for 15 hours for the October 31, 1999 renewal and 30 hours for all subsequent renewals. However, Section 1245.300 did not reflect that only 15 hours was required for the 1999 renewal.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1245  
DIETETIC AND NUTRITION SERVICES PRACTICE ACT

## SUBPART A: DEFINITIONS

Section  
1245.10 Definitions

## SUBPART B: DIETITIAN

Section  
1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather)

1245.110 Application for Examination/Licensure

1245.120 Examination

1245.130 Approved Programs in Dietetics

1245.140 Experience

1245.150 Endorsement

1245.160 Restoration

## SUBPART C: NUTRITION COUNSELOR

Section  
1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather)

1245.210 Application for Examination/Licensure

1245.220 Examination

1245.230 Approved Programs of Nutrition Counselors

1245.240 Experience

1245.250 Endorsement

1245.260 Restoration

## SUBPART D: GENERAL

Section  
1245.300 Renewal

1245.310 Continuing Education

1245.320 Inactive Status

1245.330 Unprofessional Conduct

1245.340 Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 60(7) of the Civil Administrative Code of

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Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended Ill. Reg. 8445, effective May 4, 1998; amended at 22 Ill. Reg. **19856**, effective **OCT 30 1998**.

## SUBPART D: GENERAL

## Section 1245.300 Renewal

- a) The first renewal period for licenses issued under the Act shall be October 31, 1997. Thereafter, every license issued under the Act shall expire October 31 of odd-numbered years. For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. Beginning with the October 31, 2001 1999 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1245.310 of this Part. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective **OCT 30 1998**.)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Professional Boxing and Wrestling Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3) Section Numbers: Adopted Action:  
1370.315 New Section  
1370.325 Amendment
- 4) Statutory Authority: Professional Boxing and Wrestling Act [225 ILCS 105]
- 5) Effective Date of Amendments: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 29, 1998, 22 Ill. Reg. 14221
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: Clarifies that promoters are to notify the Department at least 10 days prior to the event of the location, date and time of each telecast.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-580 provides for the Department of Professional Regulation to license closed circuit telecasts, while Public Act 89-578 directs the Department, in consultation with the Board, to define "ultimate fighting". The rules previously provided for the licensure of closed circuit events and the selling of tickets to those in attendance. In this era, however, with satellite technology now widely available, virtually any bar or restaurant can obtain these telecasts. This proposed rulemaking brings the rules into conformity with the reality of how these events are distributed commercially. The General Assembly also acted to ban "ultimate fighting" in the State of Illinois; this rulemaking defines "ultimate fighting" so that the ban can be enforced.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813  
 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1370  
 PROFESSIONAL BOXING AND WRESTLING ACT

SUBPART A: STATUTORY AUTHORITY

Section  
 1370.10 Statutory Authority

## SUBPART B: BOXING

Section  
 1370.20 Application for Licenses  
 1370.30 Structure of Ring  
 1370.40 Classes and Weights of Boxers  
 1370.50 Fight Preparations  
 1370.60 Ring Equipment  
 1370.70 Conduct of a Contest  
 1370.80 Scoring  
 1370.90 Knockdowns  
 1370.100 Fouls  
 1370.110 Use of substances that alter performance; Stopping bleeding  
 1370.120 Conduct of Ring Officials

## SUBPART C: WRESTLING

Section  
 1370.200 Applications for Licenses  
 1370.210 Structure of Ring  
 1370.220 Preparations for an Exhibition  
 1370.230 Conduct of an Exhibition  
 1370.240 Length of an Exhibition  
 1370.250 Scoring  
 1370.260 Holds  
 1370.270 Wrestler out of ring  
 1370.280 Disqualification  
 1370.290 Australian Tag Team Wrestling  
 1370.300 Medical Supervision

## SUBPART D: GENERAL PROVISIONS

Section  
 1370.310 Definitions  
 1370.320 Applications for Permits  
 1370.315 Ultimate Fighting Exhibition

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## 1370.325 Requirements for Closed Circuit Telecasts Promotions

1370.330 Compensation  
1370.340 Payment of Taxes  
1370.350 Public Safety  
1370.360 Renewals  
1370.370 Granting Variances

AUTHORITY: Implementing the Professional Boxing and Wrestling Act [225 ILCS 105] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 5 Ill. Reg. 11100, effective October 1, 1981, for a maximum of 150 days; adopted at 6 Ill. Reg. 8978, effective July 15, 1982; emergency amendment at 11 Ill. Reg. 21008, effective December 9, 1987, for a maximum of 150 days; transferred from Chapter I, 68 Ill. Adm. Code 370 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective June 27, 1988; emergency amendment at 22 Ill. Reg. 14246, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14246, effective Oct 30 1998.

## SUBPART D: GENERAL PROVISIONS

## Section 1370.315 Ultimate Fighting Exhibition

- a) Pursuant to Section 7.5 of the Act, ultimate fighting exhibitions are prohibited in the State of Illinois.
- b) "Ultimate fighting exhibition" means any competition, contest or exhibition that involves any physical combat bout with few or no restrictions on the tactics or techniques used, between two or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques or any combination of these techniques or tactics, excluding contests or exhibitions that are authorized by the Act and this Part or exempted by Section 6 of the Act.
- c) Any licensee/registrant holding or promoting an ultimate fighting exhibition, or participating in an ultimate fighting exhibition as a promoter, contestant, second, referee, judge, scorer, manager, trainer, announcer, or timekeeper, may be subject to discipline pursuant to Section 16 of the Act.
- d) The Department shall enter an order of cease and desist to any individual or entity involved in an ultimate fighting exhibition. If the order is ignored, the Department may send such order to the Attorney General or State's Attorney for civil or criminal enforcement with respect to prohibited exhibitions and/or the Department may file a complaint for imposition of civil penalties for violation of the Act.

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- e) A person who is guilty of violating this Section is guilty of a Class A Misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony 19860.

(Source: Oct 30 1998 22 Ill. Reg. 19860, effective Oct 30 1998)

## Section 1370.325 Requirements for Closed Circuit Telecasts Promotions

- a) Closed circuit telecasts for boxing and wrestling exhibitions shall be held by promoters licensed in accordance with Sections 1370.20 and 1370.200 of this Part.
- b) To show unlimited closed circuit events for one year, a licensed promoter shall file an application with the Department, on forms provided by the Department, along with a \$400 per year registration fee.
- c) In addition, for each event to be telecast, the promoter shall notify the Department at least 10 days prior to the event, on forms provided by the Department, of the location, date and time of the telecast. The notification shall include a \$25 fee for each location where the telecast is shown.
- b) A--licensed--promoter--shall--obtain--a--permit--for--each--location--where--a--viewing--of--a--closed--circuit--telecast--("telecast")--is--to--be--held--  
i) The application shall be filed with the Department, on forms provided by the Department, twenty (20) days before each telecast. The applicant shall provide in addition to the application and a \$25 permit fee.  
A) a copy of the lease or proof of ownership of the property where the telecast is to be held and the safety inspection report of the property from the fire department or building manager?  
B) a letter from the security agency contracted to provide security for the telecast, stating the number of guards they intend to use at the location on that date?  
C) notarized printer's manifest stating the date, location, time and amount of ticket sales. Tickets must be numbered on both ends by the printer. In the event the building supplies electronic printing of tickets, a printout of the close out must be given to the Department representative on the date of the event, and  
B) a refund plan, if the telecast is cancelled or if the equipment malfunctions and the telecast ceases.  
2) A representative of the Department will be present at each location where a telecast is held. A ticket printout shall be given to this representative indicating the price and number of tickets sold. Where hardstock is used, the representative will count the unsold tickets to determine the amount of 58 state tax due on the evening of the event in accordance with Section 13-01



DEPARTMENT OF PROFESSIONAL REGULATION

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the Act:

(Source: Amended at 22 Ill. Reg. 1986, effective OCT 9 1988)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
- 2) Code Citation: 89 Ill. Adm. Code 149
- 3) Section Numbers: 149.50  
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-588
- 5) Effective Date of Amendments: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 17, 1998 (22 Ill. Reg. 12468)
- 10) Has JCAR issued a statement of objections to these rules? No
- 11) Differences Between Proposal and Final Version:  
  
In the new language in Section 149.50(c)(3)(A), "persons under the age of eighteen" has been changed to "persons who are under 18 years of age".  
  
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments to the Department's rules regarding hospital services are intended to add clarifications concerning the defining characteristics of a children's hospital and the services rendered by such hospitals that are reimbursable under the Medical Assistance program. The amendments also specify that any general care hospital seeking separate licensure by a municipality for a section of the hospital that is devoted exclusively to providing services for

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

children must obtain that licensure as a children's hospital before September 30, 1998. Since services in a children's hospital are generally more costly than similar services in other hospital environments, these new provisions are necessary to allow budgetary stability and predictability considering the constraints and limitations of the Department's appropriations for medical services.

The budgetary implications of these changes are not foreseeable at this time because the number of general care hospitals that might seek licensure as children's hospitals is unknown. However, the Department is not anticipating any significant budgetary changes on the basis of these amendments.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

## PART 149

## DIAGNOSIS RELATED GROUPING (DRG) PROSPECTIVE PAYMENT SYSTEM (PPS)

## Section

- 149.5 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
- 149.10 Applicability of Other Provisions
- 149.25 General Provisions
- 149.50 Hospital Services Subject to and Excluded from the DRG Prospective Payment System
- 149.75 Conditions for Payment Under the DRG Prospective Payment System
- 149.100 Basic Methodology for Determining DRG Prospective Payment Rates
- 149.105 Payment For Outlier Cases
- 149.125 Special Treatment of Certain Facilities
- 149.140 Methodology for Determining Primary Care Access Health Care Education Payments (Repealed)
- 149.150 Payments to Hospitals Under the DRG Prospective Payment System
- 149.175 Payments to Contracting Hospitals (Repealed)
- 149.200 Admitting and Clinical Privileges (Repealed)
- 149.205 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
- 149.225 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Repealed)
- 149.250 Contract Monitoring (Repealed)
- 149.275 Transfer of Recipients (Repealed)
- 149.300 Validity of Contracts (Repealed)
- 149.305 Termination of ICARE Contracts (Repealed)
- 149.325 Hospital Services Procurement Advisory Board (Repealed)

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

**SOURCE:** Recodified from 89 Ill. Adm. Code 140.940 thru 140.972 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. at 12095, effective July 15, 1988; amended at 13 Ill. Reg. 554, effective January 1, 1989; amended at 13 Ill. Reg. 15070, effective September 15, 1989; amended at 15 Ill. Reg. 1826, effective January 28, 1991; emergency amendment at 15 Ill. Reg. 16308, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6195, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11937, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14733, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19868, effective December 7, 1992; amended at 17 Ill. Reg. 3217, effective March 1, 1993; emergency amendment at 17 Ill. Reg. 17275, effective October 1, 1993, for



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a maximum of 150 days; amended at 18 Ill. Reg. 3378, effective February 25, 1994; amended at 19 Ill. Reg. 10674, effective July 1, 1995; amended at 21 Ill. Reg. 2238, effective February 3, 1997; emergency amendment at 22 Ill. Reg. 13064, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19869, effective 19869.

### Section 149.50 Hospital Services Subject to and Excluded from the DRG Prospective Payment System

- a) Hospital Services Subject to the DRG Prospective Payment System
- 1) Except for services described in Section 149.25(a)(4) and subsection (b)(2) below, all covered inpatient hospital services furnished to persons receiving coverage under the Medicaid Program are paid for under the DRG PPS.
  - 2) Inpatient hospital services will not be paid for under the DRG PPS under any of the following circumstances:
    - A) The services are furnished by a hospital (or distinct part hospital unit) explicitly excluded from the DRG PPS under subsections (c) through (d) below.
    - B) The services are furnished by a nonparticipating out-of-state hospital (as described in subsection (c)(5) below).
    - C) The services are furnished by a hospital that elects to be reimbursed under special arrangements (as described in subsection (c)(6) below) in the transition period of DRG PPS implementation.
    - D) The services are furnished by a sole community hospital (as defined in Section 149.125(b)) that has elected to be exempted from the DRG PPS in accordance with subsection (c)(7) below.
    - E) The payment for services is covered by a health maintenance organization (HMO).
- b) Excluded and Exempted Hospitals and Hospital Units: General Rules
- 1) Criteria. A hospital will be excluded from the DRG PPS if it meets the criteria for one or more of the classifications described in subsection (c) below.
  - 2) Alternate Reimbursement System. All excluded hospitals (and excluded distinct part hospital units, as described in subsection (d) below) are reimbursed under the Alternate Reimbursement Systems set forth in 89 Ill. Adm. Code 148.250 through 148.300 with the exception of those hospitals described in subsection (c)(8) below. The hospitals described in subsection (c)(8) below are reimbursed in accordance with 89 Ill. Adm. Code 148.160 or 148.170, as appropriate.
- c) Excluded Hospitals: Classifications. Hospitals that meet the requirements for the classifications set forth in this Section may not be reimbursed under the DRG Prospective Payment System.
- 1) Psychiatric Hospitals. A psychiatric hospital must:

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- A) Be primarily engaged in providing, by or under the supervision of a psychiatrist, psychiatric services for the diagnosis and treatment of mentally ill persons; and
  - B) Be enrolled with the Department as a psychiatric hospital to provide inpatient psychiatric services (category of service 21) and have a Provider Agreement to participate in the Medicaid Program.
- 2) Rehabilitation Hospitals. A rehabilitation hospital must:
    - A) Hold a valid license as a physical rehabilitation hospital; and
    - B) Be enrolled with the Department as a rehabilitation hospital to provide inpatient rehabilitation services (category of service 22) and have a Provider Agreement to participate in the Medicaid Program.
  - 3) Children's Hospitals. A children's hospital must:
    - A) Be a hospital devoted exclusively to caring for children. A general care hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality before September 30, 1998, shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children. A children's hospital licensed by a municipality shall be reimbursed for all inpatient and outpatient services rendered to persons who are under 18 years of age, with the exception of obstetric, normal newborn nursery, psychiatric and rehabilitation, regardless of the physical location within the hospital complex where the care is rendered; and
    - B) Have a Provider Agreement to participate in the Medicaid Program.
  - 4) Long Term Stay Hospitals. A long term stay hospital must:
    - A) Not be a psychiatric hospital, as described in subsection (c)(1) above, a rehabilitation hospital as described in subsection (c)(2) above, or a children's hospital as described in subsection (c)(3) above and must have an average length of inpatient stay greater than 25 days; as computed by dividing the number of total inpatient days (less leave or pass days) by the number of total discharges for the most recent State fiscal year for which complete information is available; and
    - B) Have a Provider Agreement to participate in the Medicaid Program.
  - 5) Hospitals Outside of Illinois that are Exempt from Cost Reporting Requirements. A hospital is excluded from the DRG PPS if it meets the following definition: a nonparticipating out-of-state hospital is an out-of-state hospital that provides fewer than 100 Illinois Medicaid days annually, that does not elect to be reimbursed under this Part (the DRG Prospective Payment System),

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and that does not file an Illinois Medicaid cost report.

- 6) Hospitals Reimbursed Under Special Arrangements. Hospitals that, on August 31, 1991, had a contract with the Department under the ICARE Program, pursuant to Section 3-4 of the Illinois Health Finance Reform Act, may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care for services provided on or after September 1, 1991, subject to the limitations described in 89 Ill. Adm. Code 148.40(f) through 148.40(h).

- 7) Sole Community Hospitals. Hospitals described in Section 149.125(b), which have elected to be exempted from the DRG PPS, subject to the limitations described in 89 Ill. Adm. Code 148.40(f) through 148.40(h).

- 8) County-Owned Hospitals and hospitals organized under the University of Illinois Hospital Act. County-owned hospitals located in an Illinois county with a population greater than three million and hospitals organized under the University of Illinois Hospital Act are excluded from the DRG system and are reimbursed under unique hospital-specific reimbursement methodologies as described in 89 Ill. Adm. Code 148.160 and 148.170.

- d) Excluded Distinct Part Hospital Units.

- 1) Distinct Part Psychiatric Units. With the exception of those hospitals described in subsections (c)(1) through (c)(8) above, a hospital enrolled with the Department to provide inpatient psychiatric services (category of service 21) shall be excluded from the DRG PPS for the reimbursement of such inpatient psychiatric services and shall be reimbursed in accordance with 89 Ill. Adm. Code 148.270(b).

- 2) Distinct Part Rehabilitation Units. With the exception of those hospitals described in subsections (c)(1) through (c)(8) above, a hospital enrolled with the Department to provide inpatient rehabilitation services (category of service 22) shall be excluded from the DRG PPS for the reimbursement of such inpatient rehabilitation services and shall be reimbursed in accordance with 89 Ill. Adm. Code 148.270(b).

(Source: ~~19866~~ 19866 at 22 Ill. Reg. 19866, effective ~~19866~~ 19866)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Long Term Care Reimbursement Changes

- 2) Code Citation: 89 Ill. Adm. Code 153

- 3) Section Numbers: 153.125  
Adopted Action: Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-588

- 5) Effective Date of Amendments: October 30, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: July 17, 1998 (22 Ill. Reg. 12474)

- 10) Has JCAR issued a statement of objections to these adopted amendments? No

- 11) Differences Between Proposal and Final Version: No changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments:

These amendments to the Department's rules concerning long term care reimbursement are necessary to provide certain reimbursement increases as required under Public Act 90-588.

Long term care facilities, including nursing homes (NF) and intermediate care facilities for persons with developmental disabilities (ICF/MR), will receive a three percent increase in the per diem rate paid for services provided to eligible Medical Assistance recipients. For nursing facilities, an increase of \$1.10 will be added to the nursing component of the facility rate. A three percent rate increase will also be effective



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for developmental training services for eligible recipients.

The Department anticipates an annual budgetary increase of \$72.7 million for the NF rate changes. The average per diem resulting from these provisions will be \$81.29.

The Department of Human Services expects an annual budgetary increase of \$9.3 million to result from increased ICF/MR reimbursements. The average per diem will be \$109.98.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62763  
217/524-0081

The full text of the adopted amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

## PART 153

## LONG TERM CARE REIMBURSEMENT CHANGES

Section	
153.100	Reimbursement for Long Term Care Services
153.125	Long Term Care Facility Rate Adjustment
153.150	Quality Assurance Review (Repealed)

**AUTHORITY:** Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Arts. III, IV, V, and VI and 12-13) and implementing Article III of the Illinois Health Finance Reform Act (20 ILCS 2215/Art. III).

**SOURCE:** Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. reg. 19872, effective OCT 30 1998.

## Section 153.125 Long Term Care Facility Rate Adjustment

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and day training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

(Source: Amended 22 Ill. Reg. OCT 30 1998)

19872, effective

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs2) Code Citation: 89 Ill. Adm. Code 120

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.10	Amendment
120.30	Amendment
120.60	Amendment
120.314	Amendment
120.380	Amendment
120.382	Amendment
120.383	Amendment
120.384	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13)5) Effective Date of Amendments: October 30, 19986) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No

## 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 17, 1998 (22 Ill. Reg. 12476)10) Has JCAR issued a statement of objections to these adopted amendments? No11) Differences Between Proposal and Final Version:Section Outline

The titles for Sections 120.11 and 120.64 have been corrected according to the adoption of May 1, 1998, which was published on May 15, 1998, at 22 Ill. Reg. 8503.

Section 120.30

In subsections (a), (c), and (e), the monetary amounts have been changed as follows: "\$67", "\$283", "\$375" and "\$283".

Section 120.60

The end of subsection (b)(3) has been revised to read, ". . . will be

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determined and subsection (c) of this Section will apply."

In the last sentence of Section 120.60(c)(2), "spenddown" has been changed to "spend-down".

In subsection (c)(4)(A), a comma has been added after "(Section 120.74)".

In subsection (c)(8)(A), the comma after "decreases" has been deleted.

Section 120.314

The period at the end of subsection (a) has been moved inside of the final parenthesis.

Section 120.380

The beginning of subsection (b) has been changed to read, "Jointly held assets for. . ."

The beginning of subsection (c) has been changed to read, "Potential payments from. . ."

New subsection (f) has been deleted.

Section 120.381

Section 120.381 was deleted from the proposed rulemaking.

Section 120.382

In subsections (a) and (b), the monetary amounts have been changed as follows: "\$2,000", "\$3,000" and "\$50".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect?  
No14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.381	Amendment	September 18, 1998 (22 Ill. Reg. 16441)

15) Summary and Purpose of Amendments:

These amendments to the Department's rules regarding medical assistance standards and eligibility provide for changes in the asset policy



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affecting Medicaid eligibility for TANF MANG cases. These changes will result in the disregard of all assets when making Medicaid eligibility determinations for families with children. Under current rules, assets are disregarded for certain families with children, while for other families, only some specified assets are disregarded.

In 1991, the Department eliminated the asset requirements for MANG(P), covering pregnant women and children, because eligibility is determined according to federal poverty level criteria. However, assets have continued to be considered for families with children whose income eligibility is determined using the MANG standard. These amendments eliminating asset requirements in determining Medicaid eligibility for TANF MANG cases will result in a more equitable method of determination and will simplify administration of the Medicaid program.

These changes will not apply to AABD MANG cases; asset considerations will continue to apply to Medicaid funded nursing facility residents.

These changes concerning the elimination of asset requirements are expected to result in an additional annual Department expenditure of \$825,915.

The amendments to Section 120.314 describe additional criteria concerning disability determinations for children under age 18 and are intended to protect Medicaid eligibility for children who do not meet certain new SSI disability standards. Under provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), some children were excluded from SSI eligibility because of changes in the disability determination standards. However, Section 4913 of the Balanced Budget Act of 1997 requires that such children continue to be considered as having a disability for Medicaid eligibility purposes. These amendments are necessary to reflect these changes concerning determinations of disability. The Department does not anticipate any significant budgetary changes to result from these revisions.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 120

## MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

## Section

120.1 Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

## Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

## Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children  
All-Cases-Other-Than-Intermediate-Care--Skilled--Nursing--Care--BHS  
Facilities--BHS-Approved-Community-Based-Settings-and-Pregnant-Women  
and-Children--Under--Age--19--Who--Do--Not--Qualify---As---Mandatory  
Categorically-Needy

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD -  
MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings Under 89 Ill.  
Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings

120.64 MANG(P) Cases

120.65 Department of Mental Health and Developmental Disabilities (DMHDD)  
Licensed Community - Integrated Living Arrangements

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

## Section

120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program

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120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
 120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)  
 120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
 120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards  
 120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
 120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
 120.90 Migrant Medical Program  
 120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
 120.200 Elimination of Aid to The Medically Indigent  
 120.208 Client Cooperation (Repealed)  
 120.210 Supplemental Payments (Repealed)  
 120.211 Citizenship (Repealed)  
 120.212 Residence (Repealed)  
 120.215 Age (Repealed)  
 120.216 Relationship (Repealed)  
 120.217 Living Arrangement (Repealed)  
 120.218 Supplemental Payments (Repealed)  
 120.219 Institutional Status (Repealed)  
 120.224 Foster Care Program (Repealed)  
 120.225 Social Security Numbers (Repealed)  
 120.230 Unearned Income (Repealed)  
 120.235 Exempt Unearned Income (Repealed)  
 120.236 Education Benefits (Repealed)  
 120.240 Unearned Income In-Kind (Repealed)  
 120.245 Earmarked Income (Repealed)  
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
 120.255 Protected Income (Repealed)  
 120.260 Earned Income (Repealed)  
 120.261 Budgeting Earned Income (Repealed)  
 120.262 Exempt Earned Income (Repealed)  
 120.270 Recognized Employment Expenses (Repealed)  
 120.271 Income From Work/Study/Training Program (Repealed)  
 120.272 Earned Income From Self-Employment (Repealed)  
 120.273 Earned Income From Roomer and Boarder (Repealed)  
 120.275 Earned Income In-Kind (Repealed)

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120.276 Payments from the Illinois Department of Children and Family Services (Repealed)  
 120.280 Assets (Repealed)  
 120.281 Exempt Assets (Repealed)  
 120.282 Asset Disregards (Repealed)  
 120.283 Deferral of Consideration of Assets (Repealed)  
 120.284 Spend-down of Assets (AMI) (Repealed)  
 120.285 Property Transfers (Repealed)  
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)  
 120.295 Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
 120.308 Client Cooperation  
 120.309 Caretaker Relative  
 120.310 Citizenship  
 120.311 Residence  
 120.312 Age  
 120.313 Blind  
 120.314 Disabled  
 120.315 Relationship  
 120.316 Living Arrangements  
 120.317 Supplemental Payments  
 120.318 Institutional Status  
 120.319 Assignment of Rights to Medical Support and Collection of Payment  
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause  
 120.324 Health Insurance Premium Payment (HIPP) Program  
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program  
 120.326 Foster Care Program  
 120.327 Social Security Numbers  
 120.330 Unearned Income  
 120.332 Budgeting Unearned Income  
 120.335 Exempt Unearned Income  
 120.336 Education Benefits  
 120.338 Incentive Allowance  
 120.340 Unearned Income In-Kind  
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent  
 120.345 Earmarked Income  
 120.346 Medicaid Qualifying Trusts  
 120.347 Treatment of Trusts  
 120.350 Lump Sum Payments and Income Tax Refunds



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120.355 Protected Income  
 120.360 Earned Income  
 120.361 Budgeting Earned Income  
 120.362 Exempt Earned Income  
 120.363 Earned Income Disregard - MANG(C)  
 120.364 Earned Income Exemption  
 120.366 Exclusion From Earned Income Exemption  
 120.370 Recognized Employment Expenses  
 120.371 Income From Work/Study/Training Programs  
 120.372 Earned Income From Self-Employment  
 120.373 Earned Income From Roomer and Boarder  
 120.375 Earned Income In Kind  
 120.376 Payments from the Illinois Department of Children and Family Services  
 120.379 Provisions for the Prevention of Spousal Impoverishment  
 120.380 Assets  
 120.381 Exempt Assets (Repealed)  
 120.382 Asset Disregard  
 120.383 Deferral of Consideration of Assets  
 120.384 Spend-down of Assets (AABD MANG)  
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)  
 120.386 Property Transfers Occurring On or Before August 10, 1993  
 120.387 Property Transfers Occurring On or After August 11, 1993  
 120.390 Persons Who May Be Included In the Assistance Unit  
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)  
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project  
 120.395 Payment Levels for MANG (Repealed)  
 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

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amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9,

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emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 9280, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. **19875**, effective **October 3, 1998**

SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility For Medical Assistance

- a) Eligibility for Medical Assistance exists when a client meets the non-financial requirements of the program and the client's countable nonexempt income (Sections 120.330 and 120.360 ~~120-325-and-120-342~~) is equal to or less than the applicable Medical Assistance - No Grant (MANG) standard or ~~---Aid-to-the-Medically-Indigent-(AMI)-Standard-~~ ~~{Sections-120-30-and-120-50}~~ and for AABD MANG, countable nonexempt non-exempt assets are not in excess of the applicable asset disregards (Section 120.380 ~~Sections-120-282-and-120-382~~).

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1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13228, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990;



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b) For AABD MANG, the client's countable income and assets include the client's nonexempt income and assets and the nonexempt income and assets of all persons included in the Medical Assistance standard. The client's responsible relative(s) living with the child must be included in the standard. The client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.

c) For TANF (Temporary Assistance for Needy Families) MANG, the client's countable income includes the client's nonexempt income and the nonexempt income of all persons included in the Medical Assistance standard. The client's responsible relative(s) living with the child must be included in the standard. The client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.

d) For AABD MANG, if the client's countable nonexempt income is greater than the applicable MANG standard or AMI-Standard and/or countable nonexempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the applicable time period before becoming eligible to receive Medical Assistance.

e) For TANF MANG, if the client's countable nonexempt income is greater than the applicable MANG standard, the client must meet the spend-down obligation determined for the applicable time period before becoming eligible to receive Medical Assistance.

f) A one month eligibility period is used for clients receiving care in an intermediate care facility intermediate (ICF) or skilled nursing facility Skilled-Nursing-Care-Facility (SNF) or in a Department of Human Services facility Mental-Health-and-Developmental-Disabilities (MHDD)-Facility. Nonexempt income and nonexempt non-exempt assets over the asset disregard are applied toward the cost of care on a monthly basis.

g) Newborns

1) When the Department becomes aware of the birth of a child to a recipient of a TANF or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only, without written request, subject to the following conditions:

A) The mother must have been receiving TANF or AABD related medical assistance, or medical assistance due to her pregnancy on the date of birth of the child;

B) The mother must have been continuously eligible for such medical assistance.

2) The newborn shall be eligible to receive medical assistance only from the date of birth for up to one year or until the mother becomes ineligible for medical assistance, whichever comes first. The newborn can be added to the grant or medical assistance case, if otherwise eligible, through regular procedures by written

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request at any time.

(Source: Amended, 22 Ill. Reg. 19875, effective 10/1/88)

## Section 120.30 MANG(C) Income Standard

Number In Family	Monthly Net Income
1	283
2	375
3	508
4	558
5	650
6	733
7	767
8	808
9	850
10	900
11	942
12	992
13	1042
14	1100
15	1158
16	1217
17	1283
18	1350

- a) If the number in the household unit exceeds the number provided above, add \$67-00 for each additional person.
- b) MANG(C) is available for a pregnant woman, of any age, who would be eligible for TANF or MANG(C) if the child had already been born. If the woman is married and her spouse lives with her--pregnancy does not make her spouse eligible for MANG(C). The pregnant woman and her spouse's income are combined and compared to the MANG standard for three persons even though only the pregnant woman is eligible to receive MANG(C) before the child's birth.
- c) If the case includes adults only, the MANG standard for one adult is \$283-00. The standard for two adults is \$375-00. An unborn child is not counted as a family member.
- d) When a child has earmarked income, other than State Supplemental Income (SSI), and the parent does not want this income applied to total family needs, the child is not to be included in the assistance unit. The family size used in the application of the MANG(C) Income Standards shall be reduced by one for each such child determined ineligible on this basis.

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- e) When financial eligibility for MANG(C) is being determined for one child only, the income of the child in excess of \$283.00 a month is considered available to pay toward the child's medical expenses. The child shall be allowed an asset disregard in the amount for one client as stated in Section 120.302.
- f) If eligibility is being determined for more than one child, the MANG(C) Standard for number of people shall be used. Two children shall be allowed an asset disregard in the amount for a client and one dependent as stated in Section 120.302. Add \$50 for each additional child residing in the same household.

(Source: Amended at 22 Ill. Reg. effective  
1987 1987)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

**Section 120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children All Cases Other Than Intermediate-Care, Skilled-Nursing-Care, DHS Facilities, DHS-Approved-Community-Based-Settings--and--Pregnant--Women--and Children--Under-Age-19 Who Do Not Qualify As Mandatory Categorically-Needy**

The following subsections apply to all cases other than those receiving care in licensed intermediate care facilities licensed intermediate-care facilities, licensed skilled nursing facilities licensed skilled nursing-care facilities, Department of Human Services (DHS) facilities facilities, or DHS approved community based residential settings under 89 Ill. Adm. Code 140.643, or pregnant women and children under age 19 who do not qualify as mandatory categorically needy.

- a) The eligibility period for MANG is one month. The eligibility period shall begin with:
- 1) the first day of the month of application;
  - 2) the first day of any month, prior to the month of application, in which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
  - 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.
- b) Eligibility Without Spend-down for MANG
- 1) For AABD MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
  - 2) For TANF MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30), the client is eligible for

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medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.

- 3) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and subsection the subsections in (c) of this Section will apply.

- 4) A redetermination of eligibility will be made every 12 months.

## c) Eligibility with Spend-down for MANG

- 1) For AABD MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard and/or nonexempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.

- 2) For TANF MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the amount by which the client's nonexempt income exceeds the MANG standard.

- 3) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation.

## A) Medical expenses shall be applied to the spend-down obligation in the following order:

- i) Charges for DHS Home Services and/or Community Based Services. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
  - ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
  - iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
- B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:
- i) Health insurance deductibles (including Medicare and other co-insurance charges).



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- ii) All copayment charges incurred or paid on spend-down met day.
- iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
- iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA).
- v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.
- vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.

C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.

4)37 After application for medical assistance for cases eligible with a spend-down obligation who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.

A) For TANF MANG, if if countable income is greater than the QMB income standard (Section 120.74), and for AABD MANG, if countable income is greater than the income standard or countable assets are greater than the QMB asset disregard (Section 120.382(d)), the case will not be enrolled in spend-down unless:

- i) the case does not have a spend-down obligation for any month of the twelve-month enrollment period;
- ii) medical expenses equal the spend-down obligation for at least one month of the twelve-month enrollment period; or
- iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had a source of payment.

B) Cases which meet any of these conditions will be notified, in writing, of the spend-down obligation. The client will also be notified that his or her case will be reviewed beginning in the sixth month of the twelve-month enrollment period. If the client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if

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he or she had a source of payment. A new application will be required if the client wishes continued medical assistance.

C) When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. The Department will pay for covered services received from that date until the end of the eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spend-down obligation.

5)47 Cases with a spend-down obligation which do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spend-down obligation will be created.

A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.

B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.

6)57 The client is responsible for reporting any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department including termination of eligibility for medical assistance.

7)67 For AABD MANG, if if changes in income, assets or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spend-down obligation.

A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met

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the new spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

- B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

- 8) For TANF MANG, if changes in income or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spend-down obligation.

- A) If income decreases and, as a result, the client has already met the new spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

- B) If income increases and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 22 Ill. Reg. 19875, effective OCT 30 1998)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

## Section 120.314 Disabled

## MANG(D)

- a) To be eligible for medical assistance as a disabled person an individual must be determined disabled as currently defined by the Social Security Administration. (See 20 CFR 416, Subpart I, April 1, 1984.)
- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration determination of disability. The Department will make the determination when the client has been denied SSI on the basis of too much income or when the client is applying for medical assistance only and not receiving SSI or OASDI. The Department uses the same criteria for disability as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984.)
- c) If a child was terminated from SSI due to the August 22, 1996, change in disability standards (Public Law 104-193), and the child was eligible for both Medicaid and SSI on August 22, 1996, the child is

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considered disabled unless:

- 1) the child becomes 18, or
- 2) the child has not received Medicaid for 12 months, or
- 3) the child no longer meets the pre-August 22, 1996, definition of disability.

## d) Appeals

- 1) If an individual applying for or receiving medical assistance is determined currently "not disabled" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of disability and deny or cancel the case, no matter which agency made the original determination of eligibility.

- 2) If the individual appeals the SSA determination of disability to SSA, medical assistance shall be continued for recipients through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (d)(3) of this Section ~~e)3)~~ e)3). If medical assistance has been canceled ~~canceled~~, but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of subsection (d)(3) of this Section ~~e)3)~~ e)3).

- 3) If the client notifies the Department of his or her appeal to SSA within ten 10 days after of the date of the Department notice, medical assistance will be continued with no break. If the client notifies the Department of his or her appeal to SSA within 11 through 65 days after of the date of the Department notice, medical assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his or her appeal to SSA more than 65 days after the date of the Department notice, medical assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days after of the date of the Department notice, in which case medical assistance will be reinstated back to the original date of cancellation.

- 4) Medical assistance shall not be provided to applicants for medical assistance through the SSA appeals process.

- 5) If an Administrative Law Judge finds the individual "not disabled", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of disability to the Department at any time during this process.

- e) Redetermination of disability is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.

- f) When appropriate, the Department shall pay for a medical examination to determine disability.

(Source: ~~changed~~ 19875, effective OCT 30 1998, 22 Ill. Reg. 19875, effective 19875)



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## Section 120.380 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility for AABD MANG. Assets do not affect eligibility for TANF MANG.
- b) MANG(G)---treatment-of-jointly-held-assets-for--TANF--MANG--shall--be treated-in-the-same-manner-as-described-in-89-III--Adm--Code-112-159- b)et AABD-MANG--- Jointly treatment-of-jointly held assets for AABD MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 113.140.
- d) MANG(P)---All-assets--are--exempt--from--consideration--in-determining MANG(P)-eligibility-
- c)et Potential treatment-of-potential payments from a Medicaid qualifying trust for AABD MANG and MANG(C) shall be treated in the same manner as described in Section 120.346.
- d)et Trusts established on or after August 11, 1993, shall be treated in the manner described in Section 120.347.
- e)et The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property (for example, assets) is liquidated. In determining the value of a life estate and remainder interest based on the value of the property at the time the life estate is established or on the amount received when the property is liquidated, the Department shall apply the values described in Section 120.346. A. The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in Section 120.346. A.

(Source: Amended 22 Ill. Reg. 19875, effective OCT 30 1998)

## Section 120.382 Asset Disregard

- In addition to the exempt assets listed in Section 120.381, the cash value of assets shall be disregarded for AABD MANG as follows:
- a) MANG(G)et
- a)et \$2000-00 for a client and \$3000-00 for a client and one dependent residing together.
- b)et \$50-00 for each additional dependent residing in the same household.
- c)et The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.
- d)et All assets of a person who purchases a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, with coverage equal to the average cost of four years of long term care

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services in a nursing facility, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.

e)et Eligibility for AABD MANG does not exist when nonexempt assets exceed the above disregard.

## b) MANG(G)et

- 1) \$2000-00-for-a-one-person-assistance-unit--and--\$3000-00--for--a two-person-assistance-unit-
- 2) \$50-00-for-each-additional-member-of-the-assistance-unit-
- f)et Qualified Medicare Beneficiary (QMB)
- 1) \$4,000 for a single person and \$6,000 for a person with one or more dependents.
- 2) Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended 22 Ill. Reg. 19875, effective OCT 30 1998)

## Section 120.383 Deferral of Consideration of Assets

## a) MANG(A)AABD

- a)et Consideration of excess assets may be deferred for a period not to exceed two months for applicants who are leaving a State School or State mental hospital to enter group care facilities and for whom the exact trust fund amount cannot be determined but appears not to exceed one month's needs.

b)et A final decision concerning use or disposal of nonexempt assets may be deferred for 90 days, from the date assistance is initially authorized, when it can be assumed at the time of application that the period of eligibility will not extend beyond 90 days.

## b) MANG(G)et

- A-final-decision-concerning-use-or-disposal-of-nonexempt-assets-may-be deferred-for--90--days--from--the--date--assistance--is--initially authorized--when-it-can-be-assumed-at-the-time-of-application--that-the-period-of-eligibility-will-not-extend-beyond-90-days-

(Source: Amended at 22 Ill. Reg. 19875, effective OCT 30 1998)

## Section 120.384 Spend-down of Assets (AABD MANG)

## a) Determination of Assets

- 1) For individuals residing in the community the Department determines the amount of non-exempt assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for a month is not considered as an asset for that same month. If income for a

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month is added to a bank account that month, the Department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following month(s) is considered as an asset.

2) The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes a backdated month(s), for the backdated month(s), the Department will consider the amount of assets available to apply to the cost of medical care. The Department will not determine the value of assets for a backdated month(s) of eligibility. However, the amount of the excess assets verified during the application process is used to determine spend-down status in each backdated month of eligibility.

3) Once the excess asset has been used to meet spend-down, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess non-exempt assets remaining as currently available.

## b) Community Cases (AABD MANG)

For AABD MANG, to determine the spend-down obligation for MANG clients in the community, the Department will compare monthly countable income to the appropriate MANG standard and add any non-exempt assets in excess of the appropriate asset disregard to non-exempt monthly income in excess of the appropriate MANG Standard.

## 1) Regular AABD MANG - Community Residents

When an individual residing in the community, has countable monthly income of not more than 99 cents over the appropriate MANG Standard and has non-exempt excess assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular MANG case. Payment for covered services is made for each month eligibility exists.

## 2) Spend-down AABD MANG

A) When an individual resides in the community and has countable monthly income of at least \$1.00 over the MANG Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community spend-down case. The spend-down amount is the sum of the amount of income in excess of the MANG Standard plus non-exempt assets in excess of the appropriate asset disregard. The Department will disregard any excess income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.

B) If the individual presents verification that the excess amount is no longer available, the Department will make the appropriate changes the month following the month the assets were transferred.

C) Individuals enrolled in spend-down are not eligible for

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payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Excess assets do not have to be reduced prior to the authorization of medical assistance.

## c) Group Care Cases

To determine the spend-down obligation for AABD MANG clients in group care, the Department will compare monthly countable income and non-exempt assets in excess of the appropriate asset disregard to the cost of long term care at the private pay rate or the Department rate, whichever is greater. When an individual has non-exempt excess assets, the excess amount is applied to the monthly long term care charges after the monthly countable income has been applied.

## 1) Regular Group Care

When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of not more than 99 cents over the private pay rate or the Department rate, whichever is greater, the case is referred to as a Regular Group Care case. If monthly countable income plus excess non-exempt assets are less than the long term care charges at the Department rate, the Department will pay the difference.

## 2) Group Care Spend-down

A) When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of at least \$1.00 over the cost of long term care at the private pay rate or the Department rate, whichever is greater, the case is referred to as a Group Care Spend-down case. The spend-down amount is the sum of the monthly countable income plus non-exempt assets over the applicable asset disregard.

B) The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met spend-down.

D) Individuals enrolled in spend-down are not eligible for



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payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt assets. Excess assets do not have to be reduced prior to the authorization of medical assistance.

(Source: Amended at 22 Ill. Reg. 19875, effective  
OCT 30 1998)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
140.40 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 31, 1998 (22 Ill. Reg. 14239)
- 10) Has JCAR issued a statement of objections to these adopted amendments? No
- 11) Differences Between Proposal and Final Version: The new language in subsection (c) has been changed to read, "include at a minimum".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:  
These amendments provide changes in the Department's prior approval requirements for providers of medical services or items. These changes are being made in response to audit findings that the case name and case identification number, which identify the household, are no longer necessary in the prior approval process. Those pieces of information were utilized in the prior approval process before the implementation of the Department's automated medical information system. The current automated prior authorization process tracks individual recipients and only the individual's name and recipient number are relevant. Section 140.40 is being updated accordingly.

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Changes are also being made in subsection (c) to specify the minimum elements of information that are required when a provider submits a prior approval request. These latter changes allow for a degree of flexibility in the prior approval process.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones  
 Address: Bureau of Rules and Regulations  
 Illinois Department of Public Aid  
 201 South Grand Avenue East, Third Floor  
 Springfield, Illinois 62763  
 Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER I: DEPARTMENT OF PUBLIC AID  
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
 MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
140.1	Medical Assistance Programs
140.2	Covered Services Under Medical Assistance Programs
140.3	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4	Covered Medical Services Under General Assistance
140.5	Medical Services Not Covered
140.6	Medical Assistance Provided to Individuals Under the Age of Eighteen
140.7	Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	Enrollment Conditions for Medical Providers
140.11	Participation Requirements for Medical Providers
140.12	Definitions
140.13	Denial of Application to Participate in the Medical Assistance Program
140.14	Recovery of Money
140.15	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.16	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Effect of Termination on Individuals Associated with Vendor
140.18	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.19	Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	



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140.361	Non-Participating Hospitals (Recodified)	Abuse Services
140.362	Pre July 1, 1989 Services (Recodified)	Abuse Services
140.363	Post June 30, 1989 Services (Recodified)	Abuse Services
140.364	Prepayment Review (Recodified)	Abuse Services
140.365	Base Year Costs (Recodified)	Abuse Services
140.366	Restructuring Adjustment (Recodified)	Abuse Services
140.367	Inflation Adjustment (Recodified)	Abuse Services
140.368	Volume Adjustment (Repealed)	Abuse Services
140.369	Groupings (Recodified)	Abuse Services
140.370	Rate Calculation (Recodified)	Abuse Services
140.371	Payment (Recodified)	Abuse Services
140.372	Review Procedure (Recodified)	Abuse Services
140.373	Utilization (Repealed)	Abuse Services
140.374	Alternatives (Recodified)	Abuse Services
140.375	Exemptions (Recodified)	Abuse Services
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)	Abuse Services
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)	Abuse Services
140.391	Definitions (Recodified)	Abuse Services
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)	Abuse Services
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)	Abuse Services
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)	Abuse Services
140.398	Hearings (Recodified)	Abuse Services

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	Payment to Practitioners, Nurses and Laboratories	Pharmacy
140.400	Physicians' Services	Pharmacy
140.410	Covered Services By Physicians	Pharmacy
140.411	Services Not Covered By Physicians	Pharmacy
140.412	Limitation on Physician Services	Pharmacy
140.413	Requirements for Prescriptions and Dispensing of Items - Physicians	Pharmacy
140.414	Optometric Services and Materials	Pharmacy
140.416	Limitations on Optometric Services	Pharmacy
140.417	Department of Corrections Laboratory	Pharmacy
140.418	Dental Services	Pharmacy
140.420	Limitations on Dental Services	Pharmacy
140.421	Requirements for Prescriptions and Dispensing Items of Pharmacy	Pharmacy
140.422	Items - Dentists	Pharmacy
140.425	Podiatry Services	Pharmacy
140.426	Limitations on Podiatry Services	Pharmacy
140.427	Requirement for Prescriptions and Dispensing of Items - Podiatry	Pharmacy
140.428	Chiropractic Services	Pharmacy

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140.27	Assignment of Vendor Payments	
140.28	Record Requirements for Medical Providers	
140.30	Audits	
140.31	Emergency Services Audits	
140.32	Prohibition on Participation, and Special Permission for Participation	
140.33	Publication of List of Terminated, Suspended or Barred Entities	
140.35	False Reporting and Other Fraudulent Activities	
140.40	Prior Approval for Medical Services or Items	
140.41	Prior Approval in Cases of Emergency	
140.42	Limitation on Prior Approval	
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained	
140.55	Recipient Eligibility Verification (REV) System	
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice	
140.72	Voucher Advance Payment and Expedited Payments	
140.73	Drug Manual (Recodified)	
140.73	Drug Manual Updates (Recodified)	

SUBPART C: PROVIDER ASSESSMENTS

Section	Hospital Provider Fund	
140.80	Developmentally Disabled Care Provider Fund	
140.82	Long Term Care Provider Fund	
140.84	Medicaid Developmentally Disabled Provider Participation Fee Trust	
140.94	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund	
140.95	Hospital Services Trust Fund	
140.96	General Requirements (Recodified)	
140.97	Special Requirements (Recodified)	
140.98	Covered Hospital Services (Recodified)	
140.99	Hospital Services Not Covered (Recodified)	
140.100	Limitation On Hospital Services (Recodified)	
140.101	Transplants (Recodified)	
140.102	Heart Transplants (Recodified)	
140.103	Liver Transplants (Recodified)	
140.104	Bone Marrow Transplants (Recodified)	
140.110	Disproportionate Share Hospital Adjustments (Recodified)	
140.116	Payment for Inpatient Services for GA (Recodified)	
140.117	Hospital Outpatient and Clinic Services (Recodified)	
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)	
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)	
140.203	Limits on Length of Stay by Diagnosis (Recodified)	
140.203	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)	
140.350	Copayments (Recodified)	
140.360	Payment Methodology (Recodified)	

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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies

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140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichuk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids

## SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)



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140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments

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140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.865	Sponsor Responsibilities (Repealed)
140.870	Department Responsibilities (Repealed)
140.875	Provider Qualifications (Repealed)
140.880	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.896	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)
140.902	Definitions (Recodified)
140.903	Times and Staff Levels (Repealed)
140.904	Statewide Rates (Repealed)
140.905	Reconsiderations (Recodified)

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140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.922	Referrals (Recodified)
140.910	Basic Rehabilitation Aide Training Program (Recodified)
140.911	Interim Nursing Rates (Recodified)
140.912	
SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM	
Section	
140.920	General Description
140.921	Covered Services
140.922	Maternal and Child Health Provider Participation Requirements
140.924	Client Eligibility (Repealed)
140.926	Client Enrollment and Program Components (Repealed)
140.928	Reimbursement
140.930	Payment Authorization for Referrals (Repealed)
140.932	

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medihex Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental procedures
TABLE E	Time Limits for Processing of Prior Approval Requests

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TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;



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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective

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amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 5981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

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amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10519, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. **19898**, effective **October 30, 1998**.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section 140.40 Prior Approval for Medical Services or Items

- a) The Department may impose prior approval requirements, as specified by

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October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;



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rule, to determine the essentialness of medical care provided in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.

- b) In general, in order for prior approval to be granted, items and services must be:
- 1) non-experimental,
  - 2) appropriate to the client's needs,
  - 3) necessary to avoid institutional care, and
  - 4) medically necessary to preserve health, alleviate sickness, or correct a handicapping condition.
- c) Providers are responsible for requesting prior approval for medical services or items. Prior approval requests must include at a minimum

show:

- 1) the case-name
  - 2) patient name,
  - 3) case-identification-number,
  - 4) recipient number,
  - 5) patient age, address, and whether or not the patient resides in a group care facility,
  - 6) identification of the practitioner prescribing or ordering the item or service,
  - 7) diagnosis,
  - 8) description of item or service,
  - 9) treatment plan,
  - 10) how long the service or item will be needed, and
  - 11) purchase or rental cost.
- d) To the extent possible, the request should show how the item or service is expected to correct or help the condition, and why the requested treatment plan is better than any other plan commonly used to deal with similar diagnoses or conditions. Anything unique to the medical condition or living arrangement affecting the choice of a recommended treatment plan or item should be explained.
- e) A written notice of disposition of the request for prior approval will be sent to the client within the time limits prescribed below. If the notice of disposition is not sent within the applicable time limit, prior approval will be granted automatically. Oral notification will be given only when a request for medical transportation is approved.

(Source: Amended at 22 Ill. Reg. 1989, effective Oct 30 1998)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers: Adopted Action:  
146.125 Amendment  
146.130 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 17, 1998 (22 Ill. Reg. 12499)
- 10) Has JCAR issued a statement of objections to these adopted amendments? No
- 11) Differences Between Proposal and Final Version:  
In Section 146.125(a), the closing parenthesis after "Groupings" has been deleted.  
In Section 146.130(b), "Section" has been changed to "89 Ill. Adm. Code".  
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

These amendments concerning Ambulatory Surgical Treatment Centers (ASTCs) are a component of the outpatient reform measures mandated by the Legislature and are necessary to revise the rules in accordance with

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

companion changes in the Department's rules governing outpatient services at 89 Ill. Adm. Code 148.140(b)(1). The Hospital Ambulatory Reform (HAR) Program codes, which have served as the basis for ASTC reimbursement, are composed of four billing groups. Under these amendments, those billing groups will be increased from four to 12. The new billing groups, Ambulatory Procedure Listing (APL) codes, will therefore replace HAR codes for purposes of ASTC reimbursement. However, ASTC reimbursements will continue to be calculated at 75 percent of the applicable billing group.

The use of the APL codes will, in the aggregate, increase outpatient spending. For ASTC services, the Department anticipates an annual budgetary increase of approximately \$200,000.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146  
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

## SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	General Description
146.100	Definitions
146.105	Participation Requirements
146.110	Records and Data Reporting Requirements
146.115	Covered Ambulatory Surgical Treatment Center Services
146.125	Reimbursement for Services
146.130	

## SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	General Description
146.200	Definitions
146.205	Structural Requirements
146.210	SLF Participation Requirements
146.215	Resident Participation Requirements
146.220	Reimbursement for Medicaid Residents
146.225	Staffing
146.230	Resident Contract
146.235	Assessment and Service Plan and Quarterly Evaluation
146.240	Resident Rights
146.245	Discharge Criteria
146.250	Grievance Procedure
146.255	Records Requirements
146.260	Quality Assurance Plan
146.265	Monitoring
146.270	Termination or Suspension of SLF Provider Agreement
146.275	Voluntary Surrender of Certification
146.280	
146.285	

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

**SOURCE:** Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; New Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150



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days; amended at 22 Ill. Reg. **19914**, effective OCT 30 1998  
SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

OCT 30 1998

Section 146.125 Covered Ambulatory Surgical Treatment Center Services

Section 146.125 Covered Ambulatory Surgical Treatment Center Services

- a) The Department of Public Aid will reimburse ambulatory surgical treatment centers (ASTCs) for facility services in accordance with covered Ambulatory Procedure Listing (APL) Groupings Hospital Ambulatory--Reform--(HAR)--Procedure-Codes--from-Group-I-and-Group-III-of the-Hospital-Ambulatory-Care-Billing, as defined in 89 Ill. Adm. Code 148.140(b)(1). The Department may exclude from coverage in an ASTC any procedure identified as only appropriate for coverage in a hospital setting. APL groups that may be reimbursed to an ASTC are defined in the Department's Hospital Handbook and notices to providers.
  - 1) Group--I--procedures--are--high--level--technology--surgeries--that consume--many--facility--resources--and--are--costly--to--deliver;
  - 2) Group--III--procedures--are--other--surgical--specialized--cardiac--and diagnostic--procedures;
  - 3) The--Hospital--Ambulatory--Care--list--is--updated--periodically--As technology--changes--so--do--the--procedures--that--fall--into--the categories--in--addition--annual--changes--in--the--ICD-9-CM procedure--codes--and--their--meanings--necessitate--annual--changes--to the--Hospital--Ambulatory--Care--list;
- b) Facility services furnished by an ASTC in connection with covered APL HAR codes Group-I-and-Group-III include, but are not limited to:
  - 1) Nursing, technician and related services;
  - 2) Use of the ASTC facilities;
  - 3) Supplies (such as drugs, biologicals (for example erg., blood)), surgical dressings, splints, casts and appliances, and equipment directly related to the provision of surgical procedures;
  - 4) Diagnostic or therapeutic services or items directly related to the provision of a surgical procedure;
  - 5) Administrative, record keeping recordkeeping, and housekeeping items and services; and
  - 6) Materials for anesthesia.
- c) Facility services do not include items and services for which payment may be made under other provisions of this Section such as physicians' services, laboratory, x-ray or diagnostic procedures performed by independent facilities or practitioners on the day of surgery (other than those directly related to performance of the surgical procedure), prosthetic devices, ambulance services, leg, arm, back and neck braces, artificial limbs, and durable medical equipment for use in the patient's home. In addition, they do not include anesthetist services.

(Source: Amended at 22 Ill. Reg. **19914**, effective

DEPARTMENT OF PUBLIC AID  
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Section 146.130 Reimbursement for Services

- a) Reimbursement levels shall be at the lower of the ASTC's usual and customary charge to the public or the Department's Statewide maximum reimbursement screen.
- b) With respect to APL Group-I procedures described in 89 Ill. Adm. Code 148.140(b)(1) Section--146-125(a)(1), reimbursement, an all-inclusive rate for facility services, shall be calculated at 75 percent of the applicable group rate paid for that same procedure in a hospital outpatient setting Statewide--median-payment-for-Group-I-procedures--in a-hospital-outpatient-setting.
- c) With--respect--to--the--Group--III--procedures--described--in--Section 146-125(a)(2)--reimbursement--an--all-inclusive--rate--for--facility services--shall-be-at-75-percent-of-the-Group-III-nonteaching-hospital rate.
  - 1) Laboratory, x-ray, or prescription services or professional physicians' services, in connection with a covered surgical procedure, must be billed by the providers rendering such services. If the ASTC provides the lab or x-ray service, then:
    - 1) Separate billing is NOT allowed if provided on the day of surgery; or
    - 2) Separate billing IS allowed if provided on other than the day of surgery.
  - 2) The providers described in subsection (c) of this Section ~~tdt-above~~ must meet all applicable license, enrollment and reimbursement conditions of the Department of Public Aid, Department of Public Health and the Department of Professional Regulation.

(Source: OCT 30 1998 at 22 Ill. Reg. **19914**, effective

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:  
130.1945 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) Effective Date of Amendment(s): October 28, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:  
January 23, 1998, 22 Ill. Reg. 2070
- 10) Has JCAR issued a Statement of Objections to these Amendments? Yes
- A) Statement of Objection: July 6, 1998, 22 Ill. Reg. 11645
- B) Agency Response: October 16, 1998, 22 Ill. Reg. 19148
- C) Date Agency Response Submitted for Approval to JCAR: September 14, 1998
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	IL Register Citation
130.1940	Amendment	8/14/98, 22 Ill. Reg. 14615
130.1951	Amendment	8/14/98, 22 Ill. Reg. 14615
130.1952	Amendment	8/14/98, 22 Ill. Reg. 14615
130.351	New Section	8/28/98, 22 Ill. Reg. 15533

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendment(s): This regulation amends Section 130.1945, "Co-operative Associations", to clarify that agricultural cooperatives are considered servicemen when they engage in rendering services (e.g., applying farm chemicals). This rulemaking clarifies that cooperatives may act in several ways -- as retailers when they sell tangible personal property, and as servicemen when they engage in sales of service. Pursuant to Section 4(c) of the Taxpayer's Bill of Rights Act [20 ILCS 2520], no tax can be assessed contrary to the existing language of Section 130.1945 prior to its amendment in this rulemaking. Accordingly, this rulemaking shall apply only to transactions occurring on or after its publication.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Paul Caselton  
Associate Chief Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-7055

The full text of the Adopted Amendments begins on the next page:



DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section

130.101 Character and Rate of Tax

130.105 Responsibility of Trustees, Receivers, Executors or Administrators

130.110 Occasional Sales

130.111 Sale of Used Motor Vehicles by Leasing or Rental Business

130.115 Habitual Sales

130.120 Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section

130.201 The Test of a Sale at Retail

130.205 Sales for Transfer Incident to Service

130.210 Sales of Tangible Personal Property to Purchasers for Resale

130.215 Further Illustrations

130.220 Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section

130.305 Farm Machinery and Equipment

130.310 Food, Drugs, Medicines and Medical Appliances

130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois

130.320 Gasohol

130.321 Fuel Used by Air Common Carriers in International Flights

130.325 Graphic Arts Machinery and Equipment Exemption

130.330 Manufacturing Machinery and Equipment

130.331 Manufacturer's Purchase Credit

130.335 Pollution Control Facilities

130.340 Rolling Stock

130.345 Oil Field Exploration, Drilling and Production Equipment

130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section

130.401 Meaning of Gross Receipts

130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

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130.410 Cost of Doing Business Not Deductible

130.415 Transportation and Delivery Charges

130.420 Finance or Interest Charges--Penalties--Discounts

130.425 Traded-In Property

130.430 Deposit or Prepayment on Purchase Price

130.435 State and Local Taxes Other Than Retailers' Occupation Tax

130.440 Penalties

130.445 Federal Taxes

130.450 Installation, Alteration and Special Service Charges

130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

130.501 Monthly Tax Returns--When Due--Contents

130.502 Quarterly Tax Returns

130.505 Returns and How to Prepare

130.510 Annual Tax Returns

130.515 First Return

130.520 Final Returns When Business is Discontinued

130.525 Who May Sign Returns

130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations

130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

130.540 Returns on a Transaction by Transaction Basis

130.545 Registrants Must File a Return for Every Return Period

130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances

130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel

130.555 Vending Machine Information Returns

130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section

130.601 Preliminary Comments

130.605 Sales of Property Originating in Illinois

130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section

130.701 General Information on Obtaining a Certificate of Registration

130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements

130.710 Procedure When Security Must be Forfeited

130.715 Sub-Certificates of Registration

## DEPARTMENT OF REVENUE

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130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances

130.725 Display

130.730 Replacement of Certificate

130.735 Certificate Not Transferable

130.740 Certificate Required For Mobile Vending Units

130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section

130.801 General Requirements

130.805 What Records Constitute Minimum Requirement

130.810 Records Required to Support Deductions

130.815 Preservation and Retention of Records

130.820 Preservation of Books During Pendency of Assessment Proceedings

130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section

130.901 Civil Penalties

130.905 Interest

130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section

130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

130.1101 Definition of Federal Area

130.1105 When Deliveries on Federal Areas Are Taxable

130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

130.1201 General Information

130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

130.1301 When Lessee of Premises Must File Return for Leased Department

130.1305 When Lessor of Premises Should File Return for Leased Department

130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section

130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale

130.1410 Requirements for Certificates of Resale (Repealed)

130.1415 Resale Number--When Required and How Obtained

130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

130.1501 Claims for Credit--Limitations--Procedure

130.1505 Disposition of Credit Memoranda by Holders Thereof

130.1510 Refunds

130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section

130.1601 When Returns are Required After a Business is Discontinued

130.1605 When Returns are Not Required After Discontinuation of a Business

130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section

130.1801 When Powers of Attorney May be Given

130.1805 Filing of Power of Attorney With Department

130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Section

130.1901 Addition Agents to Plating Baths

130.1905 Agricultural Producers



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## NOTICE OF ADOPTED AMENDMENTS

130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage  
Stamps and Like Articles  
130.1915 Auctioneers and Agents  
130.1920 Barbers and Beauty Shop Operators  
130.1925 Blacksmiths  
130.1930 Chiropractists, Osteopaths and Chiropractors  
130.1935 Computer Software  
130.1940 Construction Contractors and Real Estate Developers  
130.1945 Co-operative Associations  
130.1950 Dentists  
130.1951 Enterprise Zones  
130.1952 Sales of Building Materials to a High Impact Business  
130.1955 Farm Chemicals  
130.1960 Finance Companies and Other Lending Agencies - Installment Contracts  
- Repossessions  
130.1965 Florists and Nurserymen  
130.1970 Hatcheries  
130.1975 Operators of Games of Chance and Their Suppliers  
130.1980 Optometrists and Opticians  
130.1985 Pawnbrokers  
130.1990 Peddlers, Hawkers and Itinerant Vendors  
130.1995 Personalizing Tangible Personal Property  
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons  
130.2006 Sales by Teacher-Sponsored Student Organizations  
130.2007 Exemption Identification Numbers  
130.2008 Sales by Nonprofit Service Enterprises  
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
130.2020 Physicians and Surgeons  
130.2025 Picture-Framers  
130.2030 Public Amusement Places  
130.2035 Registered Pharmacists and Druggists  
130.2040 Retailers of Clothing  
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like  
130.2050 Sales and Gifts By Employers to Employees  
130.2055 Sales by Governmental Bodies  
130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
130.2065 Sales of Automobiles for Use in Demonstration  
130.2070 Sales of Containers, Wrapping and Packing Materials and Related

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## NOTICE OF ADOPTED AMENDMENTS

130.2075 Products  
Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
130.2090 Sales to Railroad Companies  
130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
130.2100 Sellers of Feeds and Breeding Livestock  
130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
130.2110 Sellers of Seeds and Fertilizer  
130.2115 Sellers of Machinery, Tools and the Like  
130.2120 Suppliers of Persons Engaged in Service Occupations and Professions  
130.2125 Trading Stamps and Discount Coupons  
130.2130 Undertakers and Funeral Directors  
130.2135 Vending Machines  
130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
130.2145 Vendors of Meals  
130.2150 Vendors of Memorial Stones and Monuments  
130.2155 Vendors of Signs  
130.2156 Vendors of Steam  
130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
130.2165 Veterinarians  
130.2170 Warehousemen

## ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062,

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effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective OCT 28 1998 1998; amended at 22 Ill. Reg. OCT 28 1998, effective

## SUBPART S: SPECIFIC APPLICATIONS

## Section 130.1945 Co-operative Associations

## a) In General

- 1) A co-operative association consists of a group of persons, whether incorporated or not, organized for the purpose of purchasing or producing, and selling to shareholders, members or others, such items as groceries, provisions or other articles of merchandise, for cash or otherwise, at retail, at such reasonable prices over the cost thereof as will enable the shareholders or members of such association to obtain or to dispose of such commodities at the smallest practicable rate of cost.

- 2) Such co-operative associations are associations--is deemed to operate for pecuniary profit--and is not--engaged--in--a--service occupation. Their receipts from all retail sales of tangible personal property are subject to the Retailers' Occupation Tax.

## b) Agricultural Co-operative Associations

- 1) Agricultural Co-operative Associations, organized under the Agricultural Co-operative Act [805 ILCS 315], ~~1979--ch--327--pars--440--et--seq--7~~ ~~1979--ch--327--pars--440--et--seq--7~~ although deemed nonprofit organizations, nevertheless engage in the business of marketing and selling agricultural products for the purpose of making a profit for the payment of dividends on shares held by members who are producers. Their receipts from all retail sales of tangible personal property are subject to Retailers' Occupation Tax Act.
- 2) To the extent that Agricultural Co-operative Associations engage in selling services, those receipts are subject to the Service Occupation Tax Act. ~~They are not engaged primarily in rendering service--Hence, their receipts from all retail sales are subject to the Retailers' Occupation Tax.~~

(Source: Amended at 22 Ill. Reg. OCT 28 1998 1991, effective



DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

includes reimbursement limitations for prescription drugs covered under the program.

- 16) Information and questions regarding this adopted amendment shall be directed to:  
Paul Caselton  
Associate Chief Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act

- 2) Code Citation: 86 Ill. Adm. Code 530

- 3) Section Numbers: Adopted Action:  
530.125 Amendment

- 4) Statutory Authority: 320 ILCS 25

- 5) Effective Date of Amendment(s): October 28, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register:  
May 1, 1998, 22 Ill. Reg. 7559

- 10) Has JCAR issued a Statement of Objections to these Amendments? No

- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment(s): This proposed rulemaking amends the Circuit Breaker Program regulations at the request of the Department's Circuit Breaker Section. Section 3.16 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act ("Circuit Breaker") requires the Department to determine the reasonable cost of covered prescription drugs for which payments are made under the Act. The term "reasonable cost" includes (among other things) an amount for a professional dispensing fee, which must be determined annually by the Department. This proposed regulation amends procedures for determining the reasonable cost of covered prescription drugs and establishes procedures and methodologies for conducting the annual survey to determine the amount of the professional dispensing fee. Further, this regulation

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 530

## SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND PHARMACEUTICAL ASSISTANCE ACT

Section	Purpose of the Program
530.101	Definitions
530.105	Covered Prescription Drugs
530.110	Qualifications for Beneficiaries
530.115	Identification Card
530.120	Determination of Cost of Covered Prescription Drugs
530.125	Qualification of Pharmacies
530.130	Assignment and Coordination of Benefits
530.135	Payments to Qualified Pharmacies
530.140	Execution of Contracts
530.145	Limitation on Prescription Size
530.150	Inspection of Records
530.155	Establishment of Liens
530.160	Penalties

**AUTHORITY:** Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

**SOURCE:** Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 11 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19920, effective OCT 28 1998.

## Section 530.125 Determination of Cost of Covered Prescription Drugs

a) The ~~From-a-survey-to-be-conducted-at-least-every-12-months~~ ~~the~~ Department shall determine the reasonable cost of covered prescription drugs for which payment is made to an authorized pharmacy. The Department shall pay an authorized pharmacy the reasonable cost of pharmaceutical services that such pharmacy provided to a program participant pursuant to a physician's prescription authorization. ~~The-survey-shall-be-conducted-for-the-purpose-of-determining-the-average-professional-fee-charged-by-authorized-pharmacies-in-the-State-of-Illinois-and-the-actual-acquisition-cost-of-covered-prescription-drugs--The-survey-will-consist-of-audits-of-the-business-records--profit-and-loss-statement-and-other-pertinent-data-such-as-pharmacy-type-location-hours-of-operation-and-floor-area-for-dispensing-drugs.~~

b) ~~The-following--broad-categories--or-classifications-of-data--will-be-collected-and-analyzed:~~

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- 1) ~~Personnel-costs~~  
2) ~~Direct-prescription-expenses~~  
3) ~~Direct-store-expenses~~  
4) ~~Overhead-expenses~~  
5) ~~Other-direct-costs~~  
c) ~~the-selection-of-pharmacies-to-be-audited-in-this-survey-will-be-a-systematic-sample-based-upon-geography-type-of-ownership-and-level-of-services-provided-~~  
d) ~~As-a-part-of-the-survey-the-Department-will-also-conduct-a-broad-rate-analysis-of-other-similar-private-and-governmental-drug-dispensing programs-~~  
b) ~~Determination of Reasonable Cost. The reasonable cost (or payment) shall be an amount equal to:~~  
1) ~~the lesser of:~~  
A) ~~the Average Wholesale Price (AWP) minus 10% for Pharmaceutical product, based on the National Drug Code (NDC) number for the original package size from which such pharmaceutical product was dispensed (AWP is determined by the most recent monthly publication Price Alert, First DataBank, 1111 Bayhill Dr., San Bruno CA 94066); or~~  
B) ~~the Maximum Acquisition Cost (MAC) for such pharmaceutical product as set forth in the Pharmaceutical Assistance Program's MAC list (MAC is determined by the Department's claims processing vendor); plus~~  
2) ~~the professional dispensing fee; less~~  
3) ~~any applicable copayments, deductibles and ancillary charges.~~  
c) ~~Professional Dispensing Fee. On an annual basis, the Department shall conduct a survey to determine the professional dispensing fee charged by authorized pharmacies.~~  
1) ~~The survey will consist of a broad rate analysis of other similar private and governmental drug dispensing programs, including organizations within and outside Illinois. The survey will be conducted as follows:~~  
A) ~~The Department will contact those other states that have pharmaceutical assistance programs similar to the Illinois program and obtain information concerning current dispensing fees as well as information on any plans to modify the fees within the next 12 months.~~  
B) ~~The Department will contact private sector businesses with similar programs and obtain fee information from those businesses.~~  
C) ~~The Department will contact the Illinois Department of Public Aid and the public aid departments of the surrounding states to obtain fee rates under the various Medicaid programs.~~  
2) ~~The entire results of the broad rate analysis will then be evaluated to determine for an appropriate professional dispensing fee rate that will be used by the Department. The professional~~



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dispensing fee so determined will be used in subsection (b) of this Section to determine reasonable cost.

- 3f) The professional dispensing fee is \$3.30 per prescription for the period July 1, 1985, through August 10, 1986, for drugs dispensed on or after August 11, 1986, and prior to July 1, 1987, the professional dispensing fee is \$3.60 per prescription. The professional dispensing fee shall be adjusted as of July 1, 1987, and July 1 of each year thereafter in accordance with the results of the survey prescribed in this subsection (c) above.

d) Reimbursement.

- 1) Reimbursement will be allowed for all prescription medications approved by the Food and Drug Administration, U.S. Department of Agriculture, for the treatment of cardiovascular disease, diabetes and arthritis.

- 2) Reimbursement will be at the generic price, unless a brand name product is dispensed for which there is no generic equivalent.

- e) Pharmacy's Cost of On-line Communications. Each authorized pharmacy participating in the Pharmaceutical Assistance Program shall pay all costs, charges and fees incurred by the Pharmacy that are related to on-line communication and the processing of claims or other information sent to or from the Department or the Department's designee.

- f) The reasonable cost of covered prescription drugs available to beneficiaries in the program shall not exceed the cost of such drugs when dispensed to the general public.

- g) In the event that generic equivalents for covered prescription drugs are available at lower cost, the Department shall establish the maximum acquisition cost(s) for such covered prescription drugs at the lower generic cost.

(Source: Amended at 22 Ill. Reg. 1992, effective 10/28/93)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Emergency Action:  
121.105 Repeal
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13.
- 5) Effective Date of Emergency Amendment: November 1, 1998
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: November 1, 1998
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: The State Food Program ends October 31, 1998.
- 10) A Complete Description of the Subject and Issues: Senate Bill 320 authorized the Department to provide nutrition services to non-citizens who are 65 years of age or older, under 18 years of age, or disabled, and who were in the United States prior to August 22, 1996 and are not eligible for the federal Food Stamp Program due to their non-citizen status. The State Food Program was created to provide assistance with the food needs of individuals ineligible for the Food Stamp Program solely due to citizenship requirements. To qualify, individuals had to be under age 18, or age 65 or older, or disabled. Individuals who qualified for the program and were under age 18 received \$80 in monthly food stamp benefits. Individuals who qualified for the program and were elderly or disabled received \$43 in monthly food stamp benefits. The State Food Program ends October 31, 1998. These emergency amendments repeal the State Food Program effective November 1, 1998.

- 11) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.7	Amendment	22 Ill. Reg. 13264
121.22	Amendment	22 Ill. Reg. 13264
121.57	Amendment	22 Ill. Reg. 13264
121.60	Amendment	22 Ill. Reg. 13264
121.61	Amendment	22 Ill. Reg. 13264

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

121.63 Amendment 22 Ill. Reg. 13264  
 121.64 Amendment 22 Ill. Reg. 13264  
 121.105 Amendment 22 Ill. Reg. 11671  
 121.120 Amendment 22 Ill. Reg. 13264  
 121.160 Amendment 22 Ill. Reg. 9654  
 121.162 Amendment 22 Ill. Reg. 9654  
 121.164 Amendment 22 Ill. Reg. 9654  
 121.177 New Section 22 Ill. Reg. 9654  
 121.179 New Section 22 Ill. Reg. 9654  
 121.184 Amendment 22 Ill. Reg. 9654  
 121.188 Amendment 22 Ill. Reg. 9654  
 121.220 Amendment 22 Ill. Reg. 9654  
 121.225 New Section 22 Ill. Reg. 9654  
 121.226 New Section 22 Ill. Reg. 9654

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Warner Weir, Bureau Chief  
 Bureau Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor, Harris Bldg.  
 Springfield, Illinois 62762  
 (217) 785-9772  
 FAX: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begin on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
 FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section  
 121.1 Application for Assistance  
 121.2 Time Limitations on the Disposition of an Application  
 121.3 Approval of an Application and Initial Authorization of Assistance  
 121.4 Denial of an Application  
 121.5 Client Cooperation  
 121.6 Emergency Assistance  
 121.7 Expedited Services  
 121.10 Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
 121.18 Work Requirement  
 121.19 Ending a Voluntary Quit Disqualification  
 121.20 Citizenship  
 121.21 Residence  
 121.22 Social Security Numbers  
 121.23 Work Registration/Participation Requirements  
 121.24 Individuals Exempt From Work Registration Requirements  
 121.25 Failure to Comply  
 121.26 Period of Sanction  
 121.27 Voluntary Job Quit  
 121.28 Good Cause for Voluntary Job Quit  
 121.29 Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section  
 121.30 Unearned Income  
 121.31 Exempt Unearned Income  
 121.32 Education Benefits  
 121.33 Unearned Income In-Kind  
 121.34 Lump Sum Payments and Income Tax Refunds  
 121.40 Earned Income  
 121.41 Budgeting Earned Income  
 121.50 Exempt Earned Income  
 121.51 Income from Work/Study/Training Programs



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENT

121.52

Earned Income from Roomer and Boarder

121.53

Income From Rental Property

121.54

Earned Income In-Kind

121.55

Sponsors of Aliens

121.57

Assets

121.58

Exempt Assets

121.59

Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60

Net Monthly Income Eligibility Standards

121.61

Gross Monthly Income Eligibility Standards

121.62

Income Which Must Be Annualized

121.63

Deductions From Monthly Income

121.64

Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70

Composition of the Assistance Unit

121.71

Living Arrangement

121.72

Nonhousehold Members

121.73

Ineligible Household Members

121.74

Strikers

121.75

Students

121.76

Households Receiving AFDC, SSI, Interim Assistance and/or GA -

Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80

Fraud Disqualification (Renumbered)

121.81

Initiation of Administrative Fraud Hearing (Repealed)

121.82

Definition of Fraud (Renumbered)

121.83

Notification To Applicant Households (Renumbered)

121.84

Disqualification Upon Finding of Fraud (Renumbered)

121.85

Court Imposed Disqualification (Renumbered)

121.90

Monthly Reporting and Retrospective Budgeting

121.91

Monthly Reporting

121.92

Retrospective Budgeting

121.93

Issuance of Food Stamp Benefits

121.94

Replacement of the EBT Card or Food Stamp Benefits

121.95

Restoration of Lost Benefits

121.96

Uses For Food Coupons

121.97

Supplemental Payments

121.98

Client Training for the Electronic Benefits Transfer (EBT) System

121.105

State Food Program (Repealed)

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENT

121.120

Recertification of Eligibility

121.130

Residents of Shelters for Battered Women and their Children

121.131

Fleeing Felons and Probation/Parole Violators

121.135

Incorporation By Reference

121.140

Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150

Definition of Intentional Violations of the Program

121.151

Penalties for Intentional Violations of the Program

121.152

Notification To Applicant Households

121.153

Disqualification Upon Finding of Intentional Violation of the Program

121.154

Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160

Persons Required to Participate

121.162

Participation and Cooperation Requirements

121.164

Orientation

121.166

Assessment and Employability Plan

121.170

Job Search Component

121.172

Basic Education Component

121.174

Job Readiness Component

121.176

Work Experience Component

121.177

Illinois Works Component

121.178

Job Training Component

121.179

JTPA Employability Services Component

121.180

Grant Diversion Component

121.182

Earnfare Component

121.184

Sanctions

121.186

Good Cause for Failure to Cooperate

121.188

Supportive Services

121.190

Conciliation and Fair Hearings

121.200

Types of Claims (Recodified)

121.201

Establishing a Claim for Intentional Violation of the Program (Recodified)

121.202

Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)

121.203

Collecting Claim Against Households (Recodified)

121.204

Failure to Respond to Initial Demand Letter (Recodified)

121.205

Methods of Repayment of Food Stamp Claims (Recodified)

121.206

Determination of Monthly Allotment Reductions (Recodified)

121.207

Failure to Make Payment in Accordance with Repayment Schedule (Recodified)

121.208

Suspension and Termination of Claims (Recodified)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section	Workfare Components
121.220	Meeting the Work Requirement with the Earnfare Component
121.221	Volunteer Community Work Component
121.222	Work Experience Component
121.223	Supportive Service Payments to Meet the Work Requirement
121.224	Meeting the Work Requirement with the Illinois Works Component
121.225	Meeting the Work Requirement with the JTPA Employability Services Component
121.226	

**AUTHORITY:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249,

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effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14032, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991;



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must---receive---Supplemental---Security---Income---or---must---apply---for Supplemental Security Income and be found disabled by the Department of Human Services to be considered disabled.

b) Individuals meet the financial eligibility requirements of the program in the following ways:

1) Individuals automatically qualify if they receive cash assistance from the Department of Human Services, Supplemental Security Income, or are excluded members of an active food stamp household.

2) Individuals may qualify if they meet the gross income and asset standards:

A) The gross income standard is \$514 per month.

B) The asset limit is \$27000.

i) One motor vehicle is exempt regardless of value if it is necessary for employment, or needed for transportation for medical treatment of a specific or regular medical problem, or modified for operation by or transportation of a handicapped person, or needed to provide transportation for essential daily activities because of climate, terrain, remoteness or similar factors.

ii) If the individual's vehicle is not exempt due to one of the above factors, then one vehicle with a current fair market value of no more than \$4500 will be exempt. Any excess fair market value above \$4500 shall be applied to the asset limit.

c) If the individual is elderly, disabled or blind, the monthly benefit amount is \$49 per person.

d) If the individual is under age 18, the monthly benefit amount is \$80 per person.

(Source: Repealed by emergency amendment at 22 Ill. Reg. effective November 1, 1998)

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amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19934, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, November 1, 1998.

Section 121.105 State Food Program (Repealed)

Effective January 1, 1998, through June 30, 1998, individuals who are ineligible for the Food Stamp Program solely on the basis that they do not meet citizenship requirements contained in Section 121.20 may qualify for the State Food Program.

a) Individuals must meet the citizenship requirements to qualify for a cash assistance program of the Department of Human Services; must have entered the U.S. prior to 6/22/96; and must be either under age 18 or age 65 or older, or disabled (including blind).

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310.230 Amended 22 Ill. Reg. 16397  
310.270 Amended 22 Ill. Reg. 16397  
310.280 Amended 22 Ill. Reg. 16397  
310.Appendix G Amended 22 Ill. Reg. 16397

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

14) Information and questions regarding this amendment shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601

The full text of the Peremptory Amendment begins on the next page:

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:  
310.Appendix A, Table P Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 6) Effective Date: October 27, 1998
- 7) A Complete Description of the Subjects and Issues Involved: In Table P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE), the Vehicle Emission Quality Assurance Auditor title is being added, effective October 1, 1998.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: October 27, 1998

10) A copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.

11) Is this rulemaking in compliance with Section 5-50 of the Illinois Administrative Procedures Act? Yes

12) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.110	Amended	22 Ill. Reg. 12422
310.130	Amended	22 Ill. Reg. 12422
310.290	Amended	22 Ill. Reg. 12422
310.450	Amended	22 Ill. Reg. 12422
310.495	Amended	22 Ill. Reg. 12422
310.530	Amended	22 Ill. Reg. 12422
310.540	Amended	22 Ill. Reg. 12422
310.Appendix B	Amended	22 Ill. Reg. 12422
310.Appendix C	Amended	22 Ill. Reg. 12422
310.Appendix D	Amended	22 Ill. Reg. 12422
310.Appendix G	Amended	22 Ill. Reg. 12422



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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
 POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
 PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1998
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

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## NOTICE OF PEREMPTORY AMENDMENTS

## Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1998
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## APPENDIX A

Section	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1998
APPENDIX C	Medical Administrator Rates for Fiscal Year 1998
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,



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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

## Section 310.APPENDIX A Negotiated Rates of Pay

## Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

Effective: July 1, 1997

	S T E P S						
	1	2	3	4	5	6	7
Agricultural Product Promoter	2240	2336	2431	2522	2619	2768	2823
Animal & Animal Products Investigator	2350	2449	2559	2656	2759	2919	2978
Apiary Inspector	1581	1632	1678	1735	1782	1874	1911
Breath Alcohol Analysis Technician	2463	2570	2675	2784	2888	3060	3121
Commodities Inspector	1966	2037	2115	2189	2268	2394	2441
Dangerous Drugs Compliance Officer I	2240	2336	2431	2522	2619	2768	2823
Dangerous Drugs Compliance Officer II	2463	2570	2675	2784	2888	3060	3121
Dangerous Drugs Compliance Officer III	2586	2704	2817	2934	3052	3232	3297
Drug Compliance Investigator	3575	3750	3926	4108	4281	4546	4637
Environmental Protection Legal Investigator I	1966	2037	2115	2189	2268	2394	2441
Environmental Protection Legal Investigator II	2148	2228	2321	2405	2497	2636	2688
Explosives Inspector I	2350	2449	2559	2656	2759	2919	2978
Explosives Inspector II	2717	2843	2962	3083	3208	3399	3467
Fingerprint Technician	2148	2228	2321	2405	2497	2636	2688
Fire Prevention Inspector I	2463	2570	2675	2784	2888	3060	3121
Fire Prevention Inspector II	2866	2999	3135	3264	3394	3596	3668
Guard I	1634	1688	1742	1793	1846	1937	1977
Guard II	1814	1879	1950	2013	2082	2192	2236
Guard III	2049	2124	2211	2293	2371	2504	2554
Licensing Assistant	1747	1809	1870	1931	1995	2102	2144
Licensing Investigator I	2049	2124	2211	2293	2371	2504	2554
Licensing Investigator II	2350	2449	2559	2656	2759	2919	2978
Licensing Investigator III	2463	2570	2675	2784	2888	3060	3121
Licensing Investigator IV	2717	2843	2962	3083	3208	3399	3467
Liquor Control Special Agent I	2240	2336	2431	2522	2619	2768	2823
Motorist Assistance Specialist	1747	1809	1870	1931	1995	2102	2144
Plant & Pesticide Specialist I	2586	2699	2817	2934	3052	3232	3297
Plant & Pesticide Specialist II	2866	2999	3135	3264	3394	3596	3668
Plumbing Inspector	3028	3170	3317	3457	3602	3819	3895
Polygraph Examiner I	2866	2999	3135	3264	3394	3596	3668
Polygraph Examiner II	3197	3348	3506	3657	3808	4041	4121
Polygraph Examiner III	3575	3750	3926	4108	4281	4546	4637
Products & Standards Inspector	2350	2449	2559	2656	2759	2919	2978

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Security Officer	2148	2228	2321	2405	2497	2636	2688
Security Officer Sergeant	2240	2336	2431	2522	2619	2768	2823
Seed Analyst I	2049	2124	2211	2293	2371	2504	2554
Seed Analyst II	2148	2228	2321	2405	2497	2636	2688
Sote Security Officer	1814	1879	1950	2013	2082	2192	2236
Truck Weighing Inspector	1966	2037	2115	2189	2268	2394	2441
Vehicle Compliance Inspector	2463	2570	2675	2784	2888	3060	3121
Vehicle Emissions Compliance Inspector	2148	2228	2321	2405	2497	2636	2688
Vital Records Quality Control Inspector	2148	2228	2321	2405	2497	2636	2688
Warehouse Claims SPECIALIST	3028	3170	3317	3457	3602	3819	3895
Warehouse Examiner I	2148	2228	2321	2405	2497	2636	2688
Warehouse Examiner II	2463	2570	2675	2784	2888	3060	3121
Warehouse Examiner III	2717	2843	2962	3083	3208	3399	3467
Well Inspector I	2350	2449	2559	2656	2759	2919	2978
Well Inspector II	2717	2843	2962	3083	3208	3399	3467

NOTE: Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.00.

## RC-029 Alternative Retirement Formula Schedule

Effective July 1, 1997

	Steps						
	1	2	3	4	5	6	7
Arson Investigator I	2785	2902	3022	3144	3329	3396	3464
Arson Investigator II	3089	3229	3362	3496	3704	3778	3853
Commerce Commission	2785	2902	3022	3144	3329	3396	3464
Police Officer I	3089	3229	3362	3496	3704	3778	3853
Commerce Commission	3089	3229	3362	3496	3704	3778	3853
Police Officer II	2785	2902	3022	3144	3329	3396	3464
Police Officer I	3089	3229	3362	3496	3704	3778	3853
Police Officer II	3089	3229	3362	3496	3704	3778	3853
Police Officer III	3293	3448	3611	3767	3922	4162	4245
Polygraph Examiner III	3682	3863	4044	4231	4409	4682	4776

Effective: July 1, 1998

	S T E P S						
	1	2	3	4	5	6	7
Agricultural Products Promoter	2307	2406	2504	2598	2698	2851	2908
Animal & Animal Products Investigator	2421	2522	2636	2736	2842	3007	3067
Apiary Inspector	1628	1681	1728	1787	1835	1930	1968
Breath Alcohol Analysis Technician	2537	2647	2755	2868	2975	3152	3215



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

pay grade shall receive a longevity increase of \$50 per month.

Effective: October 1, 1998

	1	2	3	4	5	6	7
Vehicle Emission Quality Assurance Auditor	2307	2406	2504	2598	2698	2851	2908

NOTE: Those employees (non-sworn) on Step 7 who have attained 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade shall receive a longevity increase of \$50 per month.

RC-029 Alternative Retirement Formula Schedule

Effective: July 1, 1998

	1	2	3	4	5	6	7
Arson Investigator I	2869	2989	3113	3238	3429	3498	3568
Arson Investigator II	3182	3326	3463	3601	3815	3891	3969
Commerce Commission	2869	2989	3113	3238	3429	3498	3568
Police Officer I	3182	3326	3463	3601	3815	3891	3969
Commerce Commission	3182	3326	3463	3601	3815	3891	3969
Police Officer II	2869	2989	3113	3238	3429	3498	3568
Police Officer I	3182	3326	3463	3601	3815	3891	3969
Police Officer II	3392	3551	3719	3880	4040	4287	4372
Police Officer III	3792	3979	4165	4358	4541	4822	4919
Polygraph Examiner III							

LONGEVITY		10 Yrs	13 Yrs	15 Yrs
		3618	3668	3718
		4019	4069	4119
		3618	3668	3718
		4019	4069	4119
		3618	3668	3718
		4019	4069	4119
		4422	4472	4522
		0000	0000	0000

Effective: July 1, 1999

	1	2	3	4	5	6	7
Agricultural Products Promoter	2376	2478	2579	2676	2779	2937	2995
Animal & Animal Products Investigator	2494	2598	2715	2818	2927	3097	3159

NOTE: Those employees (non-sworn) on Step 7 who have attained 15 years of service and have 3 or more years of creditable service on Step 7 in the same

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Commodities Inspector	2025	2098	2178	2255	2336	2466	2514
Drug Compliance Investigator	3682	3863	4044	4231	4409	4682	4776
Environmental Protection Legal Investigator I	2212	2295	2391	2477	2572	2715	2769

Environmental Protection Legal Investigator II	2421	2522	2636	2736	2842	3007	3067
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Explosives Inspector I	2421	2522	2636	2736	2842	3007	3067
Explosives Inspector II	2799	2928	3051	3175	3304	3501	3571
Fingerprint Technician	2212	2295	2391	2477	2572	2715	2769

Fire Prevention Inspector I	2537	2647	2755	2868	2975	3152	3215
Fire Prevention Inspector II	2952	3089	3229	3362	3496	3704	3778
Guard I	1683	1739	1794	1847	1901	1995	2036

Guard II	1868	1935	2009	2073	2144	2258	2303
Guard III	2110	2188	2277	2362	2442	2579	2631
Licensing Assistant	1799	1863	1926	1989	2055	2165	2208

Licensing Investigator I	2110	2188	2277	2362	2442	2579	2631
Licensing Investigator II	2421	2522	2636	2736	2842	3007	3067
Licensing Investigator III	2537	2647	2755	2868	2975	3152	3215

Licensing Investigator IV	2799	2928	3051	3175	3304	3501	3571
Liquor Control Special Agent I	2307	2406	2504	2598	2698	2851	2908
Motorist Assistance Specialist	1799	1863	1926	1989	2055	2165	2208

Plant & Pesticide Specialist I	2664	2785	2902	3022	3144	3329	3396
Plant & Pesticide Specialist II	2952	3089	3229	3362	3496	3704	3778
Plumbing Inspector	3119	3265	3417	3561	3710	3934	4012

Polygraph Examiner I	2952	3089	3229	3362	3496	3704	3778
Polygraph Examiner II	3293	3448	3611	3767	3922	4162	4245
Polygraph Examiner III	3682	3863	4044	4231	4409	4682	4776

Products & Standards Inspector	2421	2522	2636	2736	2842	3007	3067
Security Officer	2212	2295	2391	2477	2572	2715	2769
Security Officer Sergeant	2307	2406	2504	2598	2698	2851	2908

Seed Analyst I	2110	2188	2277	2362	2442	2579	2631
Seed Analyst II	2212	2295	2391	2477	2572	2715	2769
Site Security Officer	1868	1935	2009	2073	2144	2258	2303

Truck Weighing Inspector	2025	2098	2178	2255	2336	2466	2514
Vehicle Compliance Inspector	2537	2647	2755	2868	2975	3152	3215
Vehicle Emissions Compliance Inspector	2212	2295	2391	2477	2572	2715	2769

Vital Records Quality Control Inspector	2212	2295	2391	2477	2572	2715	2769
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Warehouse Claims Specialist	3119	3265	3417	3561	3710	3934	4012
Warehouse Examiner	2537	2647	2755	2868	2975	3152	3215
Warehouse Examiner Specialist	2799	2928	3051	3175	3304	3501	3571

Well Inspector I	2421	2522	2636	2736	2842	3007	3067
Well Inspector II	2799	2928	3051	3175	3304	3501	3571

NOTE: Those employees (non-sworn) on Step 7 who have attained 15 years of service and have 3 or more years of creditable service on Step 7 in the same

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Apiary Inspector	1677	1731	1780	1841	1890	1988	2027
Breath Alcohol Analysis Technician	2613	2726	2838	2954	3064	3247	3311
Commodities Inspector	2086	2161	2243	2323	2406	2540	2589
Drug Compliance Investigator	3792	3979	4165	4358	4541	4822	4919
Environmental Protection Legal Investigator I	2278	2364	2463	2551	2649	2796	2852
Environmental Protection Legal Investigator II	2494	2598	2715	2818	2927	3097	3159
Explosives Inspector I	2494	2598	2715	2818	2927	3097	3159
Explosives Inspector II	2883	3016	3143	3270	3403	3606	3678
Fingerprint Technician	2278	2364	2463	2551	2649	2796	2852
Fire Prevention Inspector I	2613	2726	2838	2954	3064	3247	3311
Fire Prevention Inspector II	3041	3182	3326	3463	3601	3815	3891
Guard I	1733	1791	1848	1902	1958	2055	2097
Guard II	1924	1993	2069	2135	2208	2326	2372
Guard III	2173	2254	2345	2433	2515	2656	2710
Licensing Assistant	1853	1919	1984	2049	2117	2230	2274
Licensing Investigator I	2173	2254	2345	2433	2515	2656	2710
Licensing Investigator II	2494	2598	2715	2818	2927	3097	3159
Licensing Investigator III	2613	2726	2838	2954	3064	3247	3311
Licensing Investigator IV	2883	3016	3143	3270	3403	3606	3678
Liquor Control Special Agent I	2376	2478	2579	2676	2779	2937	2995
Motorist Assistance Specialist	1853	1919	1984	2049	2117	2230	2274
Plant & Pesticide Specialist I	2744	2869	2989	3113	3238	3429	3498
Plant & Pesticide Specialist II	3041	3182	3326	3463	3601	3815	3891
Plumbing Inspector	3213	3363	3520	3668	3821	4052	4132
Polygraph Examiner I	3041	3182	3326	3463	3601	3815	3891
Polygraph Examiner II	3392	3551	3719	3880	4040	4287	4372
Polygraph Examiner III	3792	3979	4165	4358	4541	4822	4919
Products & Standards Inspector	2494	2598	2715	2818	2927	3097	3159
Security Officer	2278	2364	2463	2551	2649	2796	2852
Security Officer Sergeant	2376	2478	2579	2676	2779	2937	2995
Seed Analyst I	2173	2254	2345	2433	2515	2656	2710
Seed Analyst II	2278	2364	2463	2551	2649	2796	2852
Site Security Officer	1924	1993	2069	2135	2208	2326	2372
Truck Weighing Inspector	2086	2161	2243	2323	2406	2540	2589
Vehicle Compliance Inspector	2613	2726	2838	2954	3064	3247	3311
Vehicle Emission Quality Assurance Auditor	2376	2478	2579	2676	2779	2937	2995
Vehicle Emissions Compliance Inspector	2278	2364	2463	2551	2649	2796	2852
Vital Records Quality Control Inspector	2278	2364	2463	2551	2649	2796	2852
Warehouse Claims Specialist	3213	3363	3520	3668	3821	4052	4132
Warehouse Examiner	2613	2726	2838	2954	3064	3247	3311
Warehouse Examiner Specialist	2883	3016	3143	3270	3403	3606	3678
Well Inspector I	2494	2598	2715	2818	2927	3097	3159

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Well Inspector II	2883	3016	3143	3270	3403	3606	3678
RC-029 Alternative Retirement Formula Schedule							
Effective: July 1, 1999							
	1	2	3	4	5	6	7
Arson Investigator I	2955	3079	3206	3335	3532	3603	3675
Arson Investigator II	3277	3426	3567	3709	3929	4008	4088
Commerce Commission	2955	3079	3206	3335	3532	3603	3675
Police Officer I	3277	3426	3567	3709	3929	4008	4088
Commerce Commission	2955	3079	3206	3335	3532	3603	3675
Police Officer II	3277	3426	3567	3709	3929	4008	4088
Police Officer I	2955	3079	3206	3335	3532	3603	3675
Police Officer II	3277	3426	3567	3709	3929	4008	4088
Police Officer III	3494	3658	3831	3996	4161	4416	4503
Polygraph Examiner III	3906	4098	4290	4489	4677	4967	5067
LONGEVITY							
	10 Yrs	13 Yrs	15 Yrs	15 Yrs	15 Yrs	15 Yrs	15 Yrs
	3725	3725	3825	3725	3725	3825	3825
	4138	4138	4238	4138	4138	4238	4238
	3725	3725	3825	3725	3725	3825	3825
	4138	4138	4238	4138	4138	4238	4238
	3725	3725	3825	3725	3725	3825	3825
	4138	4138	4238	4138	4138	4238	4238
	4553	4553	4653	4553	4553	4653	4653
	0000	0000	0000	0000	0000	0000	0000

(Source: Peremptory amendment at 22 Ill. Reg. 19.343, effective October 27, 1998)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
NOVEMBER 17, 1998

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Agriculture

1. Definitions (8 Ill Adm Code 20)
  - First Notice Published: 22 Ill Reg 15801 - 9/4/98
  - Expiration of Second Notice: 12/9/98
2. Livestock Auction Markets (8 Ill Adm Code 40)
  - First Notice Published: 22 Ill Reg 15838 - 9/4/98
  - Expiration of Second Notice: 12/9/98
3. Hatcheries, Poultry Flocks, and Produce Thereof (8 Ill Adm Code 55)
  - First Notice Published: 22 Ill Reg 15820 - 9/4/98
  - Expiration of Second Notice: 12/9/98
4. Bovine Brucellosis (8 Ill Adm Code 75)
  - First Notice Published: 22 Ill Reg 15794 - 9/4/98
  - Expiration of Second Notice: 12/9/98
5. Illinois Bovidae and Cervidae Tuberculosis Eradication Act (8 Ill Adm Code 80)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

-First Notice Published: 22 Ill Reg 15825 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 6. Diseased Animals (8 Ill Adm Code 85)

-First Notice Published: 22 Ill Reg 15808 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 7. Swine Brucellosis (8 Ill Adm Code 100)

-First Notice Published: 22 Ill Reg 15847 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 8. Swine Disease Control and Eradication Act (8 Ill Adm Code 105)

-First Notice Published: 22 Ill Reg 15850 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 9. Animal Diagnostic Laboratory Act (8 Ill Adm Code 110)

-First Notice Published: 22 Ill Reg 15783 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 10. Illinois Pseudorabies Control Act (8 Ill Adm Code 115)

-First Notice Published: 22 Ill Reg 15831 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 11. Feeder Swine Dealer Licensing (68 Ill Adm Code 590)

-First Notice Published: 22 Ill Reg 15817 - 9/4/98  
-Expiration of Second Notice: 12/9/98

## 12. Livestock Dealer Licensing (68 Ill Adm Code 610)

-First Notice Published: 22 Ill Reg 15843 - 9/4/98  
-Expiration of Second Notice: 12/9/98

Banks and Real Estate

13. Real Estate Appraiser Certification (68 Ill Adm Code 1455)
  - First Notice Published: 22 Ill Reg 14168 - 7/31/98
  - Expiration of Second Notice: 12/12/98

## 14. Repeal of Real Estate Appraiser Certification (68 Ill Adm Code 1455)

-First Notice Published: 22 Ill Reg 14137 - 7/31/98  
-Expiration of Second Notice: 12/12/98

Capitol Development Board

15. Procurement Practices (44 Ill Adm Code 910)
  - First Notice Published: 22 Ill Reg 14033 - 7/31/98
  - Expiration of Second Notice: 12/10/98

## 16. Repeal of Procurement Practices (44 Ill Adm Code 910)

-First Notice Published: 22 Ill Reg 14031 - 7/31/98  
-Expiration of Second Notice: 12/10/98

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Central Management Services

17. Extensions of Jurisdiction (80 Ill Adm Code 305)  
 -First Notice Published: 22 Ill Reg 15858 - 9/4/98  
 -Expiration of Second Notice: 12/12/98

Commerce Commission

18. Environmental Disclosure (83 Ill Adm Code 421)  
 -First Notice Published: 22 Ill Reg 14366 - 8/7/98  
 -Expiration of Second Notice: 11/29/98

Comptroller

19. Standard Procurement (44 Ill Adm Code 1120)  
 -First Notice Published: 22 Ill Reg 8955 - 5/29/98  
 -Expiration of Second Notice: 12/13/98

Education

20. Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)  
 -First Notice Published: 22 Ill Reg 9404 - 6/5/98  
 -Expiration of Second Notice: 12/26/98

Governor

21. Supplemental Procurement Rules (44 Ill Adm Code 1500)  
 -First Notice Published: 22 Ill Reg 12458 - 7/17/98  
 -Expiration of Second Notice: 12/13/98

Housing Development Authority

22. Multifamily Rental Housing Mortgage Loan Program (47 Ill Adm Code 310)  
 -First Notice Published: 22 Ill Reg 14081 - 7/31/98  
 -Expiration of Second Notice: 12/21/98

Human Services

23. Repeal of Personnel (59 Ill Adm Code 104)  
 -First Notice Published: 22 Ill Reg 14514 - 8/14/98  
 -Expiration of Second Notice: 11/19/98

24. Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119)  
 -First Notice Published: 22 Ill Reg 14049 - 7/31/98  
 -Expiration of Second Notice: 11/19/98

25. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)  
 -First Notice Published: 22 Ill Reg 14503 - 8/14/98  
 -Expiration of Second Notice: 11/26/98

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

26. School Based/Linked Health Centers (77 Ill Adm Code 2200)  
 -First Notice Published: 22 Ill Reg 14377 - 8/7/98  
 -Expiration of Second Notice: 11/29/98

27. Child Care (89 Ill Adm Code 50)  
 -First Notice Published: 22 Ill Reg 12425 - 7/17/98  
 -Expiration of Second Notice: 12/9/98

28. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
 -First Notice Published: 22 Ill Reg 13286 - 7/24/98  
 -Expiration of Second Notice: 12/22/98

29. Developmental Disabilities Services (89 Ill Adm Code 144)  
 -First Notice Published: 22 Ill Reg 14039 - 7/31/98  
 -Expiration of Second Notice: 11/26/98

30. Application (89 Ill Adm Code 557)  
 -First Notice Published: 22 Ill Reg 14035 - 7/31/98  
 -Expiration of Second Notice: 11/19/98

31. Services (89 Ill Adm Code 590)  
 -First Notice Published: 22 Ill Reg 15918 - 9/4/98  
 -Expiration of Second Notice: 12/13/98

32. Vending Facility Program for the Blind (89 Ill Adm Code 650)  
 -First Notice Published: 22 Ill Reg 14073 - 7/31/98  
 -Expiration of Second Notice: 11/19/98

33. Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)  
 -First Notice Published: 22 Ill Reg 14518 - 8/14/98  
 -Expiration of Second Notice: 12/9/98

Labor

34. Health and Safety (56 Ill Adm Code 350)  
 -First Notice Published: 22 Ill Reg 8283 - 5/15/98  
 -Expiration of Second Notice: 12/21/98

Law Enforcement Training and Standards Board

35. Intern Training Program (20 Ill Adm Code 1780)  
 -First Notice Published: 22 Ill Reg 14402 - 8/7/98  
 -Expiration of Second Notice: 11/28/98

Lottery

36. Lottery (General) (11 Ill Adm Code 1770)  
 -First Notice Published: 22 Ill Reg 14094 - 7/31/98  
 -Expiration of Second Notice: 12/4/98



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Natural Resources

37. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)  
-First Notice Published: 22 Ill Reg 16137 - 9/11/98  
-Expiration of Second Notice: 12/10/98
38. Illinois List of Endangered and Threatened Flora (17 Ill Adm Code 1050)  
-First Notice Published: 22 Ill Reg 15143 - 8/21/98  
-Expiration of Second Notice: 11/21/98
39. The Illinois Oil and Gas Act (62 Ill Adm Code 240)  
-First Notice Published: 22 Ill Reg 11301 - 7/6/98  
-Expiration of Second Notice: 12/4/98

Nuclear Safety

40. Quality Standards and Certification Requirements for Facilities Performing Mammography (32 Ill Adm Code 370)  
-First Notice Published: 22 Ill Reg 14610 - 8/14/98  
-Expiration of Second Notice: 12/4/98

Professional Regulation

41. Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)  
-First Notice Published: 22 Ill Reg 7870 - 5/8/98  
-Expiration of Second Notice: 12/11/98
42. The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465)  
-First Notice Published: 22 Ill Reg 14223 - 7/31/98  
-Expiration of Second Notice: 12/10/98

Pollution Control Board

43. Standards for Compost Facilities (35 Ill Adm Code 830)  
-First Notice Published: 22 Ill Reg 11367 - 7/6/98  
-Expiration of Second Notice: 11/20/98

44. Information to be Submitted in a Compost Facility Permit Application (35 Ill Adm Code 831)  
-First Notice Published: 22 Ill Reg 11361 - 7/6/98  
-Expiration of Second Notice: 11/20/98

Public Aid

45. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 22 Ill Reg 12471 - 7/17/98  
-Expiration of Second Notice: 12/10/98

Revenue

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

46. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 22 Ill Reg 7118 - 4/24/98  
-Expiration of Second Notice: 11/19/98
47. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 22 Ill Reg 14615 - 8/14/98  
-Expiration of Second Notice: 11/19/98
48. Use Tax (86 Ill Adm Code 150)  
-First Notice Published: 22 Ill Reg 14643 - 8/14/98  
-Expiration of Second Notice: 11/19/98

Secretary of State

49. Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)  
-First Notice Published: 22 Ill Reg 15951 - 9/4/98  
-Expiration of Second Notice: 12/4/98
50. Commercial Driver Training Schools (92 Ill Adm Code 1060)  
-First Notice Published: 22 Ill Reg 14255 - 7/31/98  
-Expiration of Second Notice: 12/14/98

State Fire Marshal

51. Fire Prevention and Safety (41 Ill Adm Code 100)  
-First Notice Published: 22 Ill Reg 15862 - 9/4/98  
-Expiration of Second Notice: 12/4/98
52. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)  
-First Notice Published: 22 Ill Reg 8639 - 5/22/98  
-Expiration of Second Notice: 12/10/98

Teachers' Retirement System

53. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)  
-First Notice Published: 22 Ill Reg 15548 - 8/28/98  
-Expiration of Second Notice: 11/28/98

Transportation

54. Oversize and Overweight Permit Movements on State Highways (92 Ill Adm Code 554)  
-First Notice Published: 22 Ill Reg 15555 - 8/28/98  
-Expiration of Second Notice: 12/4/98

**EMERGENCY AND PEREMPTORY RULEMAKINGS**Central Management Services

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

55. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
 -Notice Published: 22 Ill Reg 19105 - 10/16/98

Higher Education CPO

56. Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education and Illinois Public Universities (44 Ill Adm Code 526) (Emergency)

-Notice Published: 22 Ill Reg 19096 - 10/16/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 27, 1998 through November 2, 1998 and have been scheduled for review by the Committee at its November 17, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/10/98	Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill Adm Code 590)	9/11/98 22 Ill Reg 16137	11/17/98
12/10/98	Department of Professional Regulation, The Illinois Speech-Language Pathology and Audio-logy Practice Act (68 Ill Adm Code 1465)	7/31/98 22 Ill Reg 14223	11/17/98
12/10/98	Capital Development Board, Procurement Practices (44 Ill Adm Code 910)	7/31/98 22 Ill Reg 14033	11/17/98
12/10/98	Capital Development Board, Repeal of Procurement Practices (44 Ill Adm Code 910)	7/31/98 22 Ill Reg 14031	11/17/98
12/10/98	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	7/17/98 22 Ill Reg 12471	11/17/98
12/10/98	Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)	5/22/98 22 Ill Reg 8639	11/17/98
12/11/98	Department of Professional Regulation, Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)	5/8/98 22 Ill Reg 7870	11/17/98
12/12/98	Department of Central Management Services, Extensions of Jurisdiction (80 Ill Adm Code 305)	9/4/98 22 Ill Reg 15858	11/17/98



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

12/12/98	Office of Banks and Real Estate, Real Estate Appraiser Certification (68 Ill Adm Code 1455)	7/31/98 22 Ill Reg 14168	11/17/98
12/12/98	Office of Banks and Real Estate, Repeal of Real Estate Appraiser Certification (68 Ill Adm Code 1455)	7/31/98 22 Ill Reg 14137	11/17/98
12/13/98	Department of Human Services, Services (89 Ill Adm Code 590)	9/4/98 22 Ill Reg 15918	11/17/98
12/13/98	Office of the Comptroller, Standard Procurement (44 Ill Adm Code 1120)	5/29/98 22 Ill Reg 8955	11/17/98
12/13/98	Office of the Governor, Supplemental Procurement Rules (44 Ill Adm Code 1500)	7/17/98 22 Ill Reg 12458	11/17/98

## ISSUES INDEX

Vol. 22, Issue 46

November 13, 1998

Rules acted upon during the period from October 16 (Issue 42, 1998) through December 28, 1998 (Issue 52) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jmacle@ccgate.sos.state.il.us](mailto:jmacle@ccgate.sos.state.il.us) (Internet address).

## PROPOSED

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## EMERGENCY

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## PEREMPTORY

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89-121-46
89-165-42

1. The first part of the document is a list of names and addresses, which are arranged in a columnar fashion. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list appears to be a directory or a list of contacts for a specific organization or group.

2. The second part of the document is a series of paragraphs of text, written in a cursive script. The text is somewhat difficult to read due to the handwriting, but it appears to be a letter or a report of some kind. The paragraphs are separated by small gaps, and the overall structure is that of a continuous piece of writing.

3. The third part of the document is a list of names and addresses, similar to the first part. This list is also arranged in a columnar fashion, with names and addresses written in a cursive script. It appears to be another directory or a list of contacts, possibly for a different organization or group.

4. The fourth part of the document is a series of paragraphs of text, written in a cursive script. The text is somewhat difficult to read due to the handwriting, but it appears to be a letter or a report of some kind. The paragraphs are separated by small gaps, and the overall structure is that of a continuous piece of writing.

5. The fifth part of the document is a list of names and addresses, similar to the first and third parts. This list is also arranged in a columnar fashion, with names and addresses written in a cursive script. It appears to be another directory or a list of contacts, possibly for a different organization or group.

6. The sixth part of the document is a series of paragraphs of text, written in a cursive script. The text is somewhat difficult to read due to the handwriting, but it appears to be a letter or a report of some kind. The paragraphs are separated by small gaps, and the overall structure is that of a continuous piece of writing.

7. The seventh part of the document is a list of names and addresses, similar to the first, third, and fifth parts. This list is also arranged in a columnar fashion, with names and addresses written in a cursive script. It appears to be another directory or a list of contacts, possibly for a different organization or group.

8. The eighth part of the document is a series of paragraphs of text, written in a cursive script. The text is somewhat difficult to read due to the handwriting, but it appears to be a letter or a report of some kind. The paragraphs are separated by small gaps, and the overall structure is that of a continuous piece of writing.

9. The ninth part of the document is a list of names and addresses, similar to the first, third, fifth, and seventh parts. This list is also arranged in a columnar fashion, with names and addresses written in a cursive script. It appears to be another directory or a list of contacts, possibly for a different organization or group.

10. The tenth part of the document is a series of paragraphs of text, written in a cursive script. The text is somewhat difficult to read due to the handwriting, but it appears to be a letter or a report of some kind. The paragraphs are separated by small gaps, and the overall structure is that of a continuous piece of writing.



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